

**Democratic Services**

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**Date:** 4 June 2013  
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**To: All Members of the Cabinet**

Councillor Paul Crossley	Leader of the Council
Councillor David Dixon	Deputy Leader and Cabinet Member for Neighbourhoods
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Caroline Roberts	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth
Councillor Ben Stevens	Cabinet Member for Sustainable Development

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Cabinet: Wednesday, 12th June, 2013**

You are invited to attend a meeting of the **Cabinet**, to be held on **Wednesday, 12th June, 2013** at **6.30 pm** in the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely

Col Spring  
for Chief Executive

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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 Senior Management Team.
8. **Recorded votes**  
A recorded vote will be taken only when requested by a member of Cabinet.

**Cabinet - Wednesday, 12th June, 2013  
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

*At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:*

*(a) The agenda item number in which they have an interest to declare.*

*(b) The nature of their interest.*

*(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)*

*Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.*

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. QUESTIONS FROM PUBLIC AND COUNCILLORS

*Questions submitted before the deadline will receive a reply from an appropriate Cabinet member or a promise to respond within 5 days of the meeting. Councillors may ask one supplementary question for each question they submitted, up to a maximum of two per Councillor.*

7. STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

*Councillors and members of the public may register their intention to make a statement if they notify the subject matter of their statement before the deadline. Statements are limited to 3 minutes each. The speaker may then be asked by Cabinet members to answer factual questions arising out of their statement.*

8. MINUTES OF TWO PREVIOUS CABINET MEETINGS (Pages 7 - 20)

*The Minutes of the Cabinet meeting of 8<sup>th</sup> May and the Special Cabinet meeting of 20<sup>th</sup> May are both 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. MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

*This is a standing agenda item (Constitution rule 14, part 4D – Executive Procedure Rules) for matters referred by Policy Development and Scrutiny bodies. The Chair of the relevant PDS Panel will have the right to attend and to introduce the Panel's recommendations to Cabinet.*

11. SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING (Pages 21 - 22)

*This report lists the Cabinet Single Member decisions taken and published since the last Cabinet meeting.*

12. HOUSES IN MULTIPLE OCCUPATION IN BATH: ARTICLE 4 DIRECTION & SUPPLEMENTARY PLANNING DOCUMENT (Pages 23 - 164)

*A decision is sought about whether to confirm a city-wide Article 4 Direction for houses in multiple occupation, and adopt a Supplementary Planning Document to detail how these new planning applications will be determined*

13. HOUSING IN MULTIPLE OCCUPATION: ADDITIONAL LICENSING (Pages 165 - 348)

*Cabinet previously requested that evidence be gathered to ascertain whether the legislative conditions for introducing additional licensing of houses in multiple occupation could be met, and if so, undertake a 10-week public consultation exercise. This report informs Cabinet of the results of these activities and seeks a decision on whether to designate part of Bath as an area subject to additional licensing for specified types of HMOs.*

14. GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS PLAN (PRE-SUBMISSION DRAFT) (Pages 349 - 358)

*This report provides an update on the preparation of the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD and sets out the next steps*

15. PERSONAL BUDGETS: IMPLEMENTATION OF THE COMMON RESOURCE ALLOCATION SYSTEM (Pages 359 - 370)

*The report summarises work undertaken since October 2012 to move from a local system for Personal Budgets resource allocation to the National Resource Allocation System (RAS). It also sets out complementary work that is underway to adjust the focus of the current social care pathway to ensure that the new system supports the personalisation of adult social care.*

16. APPRENTICESHIPS, INTERNS, PLACEMENTS, WORK EXPERIENCE AND VOLUNTEERING POLICY (Pages 371 - 396)

*Currently there is a significant amount of un-coordinated activity supporting apprenticeships, paid and unpaid placements, work experience, internships and volunteering within individual services and Directorates. This report proposes that a coordinated approach should be followed by all Council services to ensure that*



*schemes apply the same broad principles.*

17. CHILDREN'S SERVICES CAPITAL PROGRAMME PRIORITIES 2013 -14 (Pages 397 - 400)

*Approval requested for inclusion in the 2013-2014 education capital programme of two capital schemes for extra pupil accommodation at two B&NES primary schools.*

18. WEST OF ENGLAND PARTNERSHIP BID FOR DESIGNATION AS A BETTER BUS AREA (Pages 401 - 408)

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

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### BATH AND NORTH EAST SOMERSET

### CABINET

These minutes are draft until confirmed as a correct record at the next meeting.

Wednesday, 8th May, 2013

#### **Present:**

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

#### **192 WELCOME AND INTRODUCTIONS**

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

The Chair welcomed everyone to the meeting.

#### **193 EMERGENCY EVACUATION PROCEDURE**

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

#### **194 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor Cherry Beath who was away on holiday.

#### **195 DECLARATIONS OF INTEREST**

There were none.

#### **196 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **197 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 17 questions from the following Councillors: Brian Webber (5), Tim Warren (5), Charles Gerrish, Patrick Anketell-Jones (2), Vic Pritchard, Paul Myers, Geoff Ward (2).

There were no questions from members of the public.

*[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.]*

## **198 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS**

Gillian Risbridger (Transition Transport and Built Environment Group) in a statement *[a copy of which is attached to these Minutes as Appendix 2 and on the Council's website]* asked the Cabinet to make 20mph the default speed limit for all roads in Bath at all times. She pointed out to Cabinet that the adoption of this policy would reduce the amount of signage required and could be achievable with a very small number of Traffic Regulation Orders.

Councillor Roger Symonds asked Gillian whether she knew that in January the Department for Transport had said that 20mph signs could be placed on busy roads or where there was an increasing number of pedestrians. Gillian confirmed that she was aware of that, and hoped that Cabinet would do as she had requested.

Karen Abolkheir (Stanton Wick Action Group) in a statement *[a copy of which is attached to these Minutes as Appendix 3 and on the Council's website]* spoke about the Gypsy Traveller DPD. She observed that she had not received any response to the questions asked at April Cabinet, which caused her some concern. She asked a number of further questions and asked for answers to the questions she had raised.

The Chair apologised to Karen for the apparent lack of response and asked the Divisional Director, Planning and Transport, to arrange for the responses to be resent and to copy him into the email. He also assured Karen that replies to her current statement would be provided as soon as possible.

Clarke Osborne (Stanton Wick Action Group) in a statement *[a copy of which is attached to these Minutes as Appendix 4 and on the Council's website]* spoke about the Needs Assessment report and the DPD. He also observed that he had received no responses to his questions at April Cabinet, and posed a number of new questions about the commissioning and publication process of the report.

The Chair apologised to Clarke and promised that he too would receive answers as soon as possible to his questions.

Matt McCabe (Chew Valley and Wansdyke Broadband Group and a Director of Wansdyke Telecom, a Community Interest Group) in a statement *[a copy of which is attached to these Minutes as Appendix 5 and on the Council's website]* congratulated the Cabinet on the excellent web casts. He told Cabinet that his colleague in rural Cyprus had enjoyed the web casts but regretted that his colleagues in rural north east Somerset could not watch because of their restricted bandwidth. He asked a number of questions relating to the arrangements made with Connecting Devon and Somerset.

The Chair asked Matt whether he would be willing to meet with John Wilkinson, Acting Divisional Director, Skills and Employment, to explore the points he had made.

## **199 MINUTES OF PREVIOUS CABINET MEETING**

On a motion from Councillor Paul Crossley, seconded by Councillor Dine Romero (and subject to a change to reflect more accurately what Councillor Sally Davis had said to Cabinet when she presented the Panel's recommendations relating to Home to School Transport), it was

**RESOLVED** that the minutes of the meeting held on Wednesday 10<sup>th</sup> April 2013 be confirmed as a correct record and signed by the Chair.

**200 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET**

There were none.

**201 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES**

The Chair referred to the draft notes from the Planning, Transportation and Environment PDS Panel [*a copy of which had been placed in the public gallery before the meeting and is attached to these Minutes as appendix 6 and on the Council's website*]. He observed that the Panel, at its meeting on 7<sup>th</sup> May, had agreed to dismiss the Call-in of the Dorchester Street Bus Priority Measures. The proposals, as agreed at Cabinet on 10<sup>th</sup> April, would therefore be implemented.

**202 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING**

The Cabinet agreed to note the report.

**203 THE COMMUNITY INFRASTRUCTURE LEVY FOR BATH & NORTH EAST SOMERSET**

Councillor Geoff Ward in an *ad hoc* statement welcomed the proposals which he said were a big opportunity. He referred to government guidance and asked for an assurance that the proposals were viable. He advised the Cabinet that care should be taken to avoid using the Levy as a policy tool to encourage or discourage certain types of development.

David Redgewell in an *ad hoc* statement observed that the s106 income had been used to fund some bus services, eg no 20), and Cabinet should not forget this when setting up the CIL.

Councillor David Laming in an *ad hoc* statement asked Cabinet to bear in mind the need for new homes bonuses to be available for residential moorings. He also emphasised that the social gain benefit must be maximised.

Councillor Tim Ball introduced the item by reminding Cabinet that the Levy would not completely replace the s106 which would be retained for some large scale developments. He assured Cabinet that proposals had been shown to be viable but assured Councillor Ward that this would be revisited. He was pleased that there was cross-party working on the proposals in a number of steering groups. He thanked David Redgewell for his observations and assured him that a steering group would consider his point. He reminded Councillor Laming that the proposals were still work in progress and that his point about residential moorings would be considered.

Councillor Ball explained to Cabinet that he intended that the plans for the Levy would make progress at the same speed as the Placemaking Plan.

He moved the proposals.

Councillor Paul Crossley seconded the proposal. He observed that the proposed Levy would be a much more flexible system and would allow the Council to spread

the infrastructure charges more fairly. He was delighted that it would also enable a meaningful amount to be passed to local neighbourhoods. He reminded Cabinet however that it would be essential to get approval of the Core Strategy if these plans were to succeed.

Councillor Roger Symonds welcomed the plans, which he said would make it clear to developers what they would have to pay. He asked Councillor Ball to explain however why in the previous 10 years the s106 had brought in £20M, while the CIL was projected to bring in only £21M over 15 years.

Councillor Ball explained that there would still be some income from s106 agreements and that this needed to be added to the projected CIL figures.

On a motion from Councillor Tim Ball, seconded by Councillor Paul Crossley, it was

**RESOLVED** (unanimously)

(1) To NOTE the work required on preparing a draft CIL Charging Schedule; and

(2) To AGREE the revised programme for the preparation of the Bath & North East Somerset Community Infrastructure Levy and the consequential amendment to the Local Development Scheme.

## **204 GRAND PARADE & UNDERCROFT - VIABILITY STUDY**

Caroline Kay (Chief Exec, Bath Preservation Trust) in a statement *[a copy of which is attached to these Minutes as Appendix 7 and on the Council's website]* said that the Trust felt that the plans were a potentially exciting step in bringing the Undercroft back into use but reserved judgement on the soundness of the business case because there was not yet enough information available.

Anne Robins (The Empire Owners Association) in a statement *[a copy of which is attached to these Minutes as Appendix 8 and on the Council's website]* said that some development would be welcomed, but there had been no information about phases 2-4 of the plans. She felt that loss of parking should have been listed as an issue, not as an objective in the report. She warned Cabinet that the Empire Owners would strongly object to any night club or casino proposals.

Alex Schlesinger (Secretary of Small Business Focus) in an *ad hoc* statement *[a copy of which is attached to these Minutes as Appendix 9 and on the Council's website]* stressed that the report had left many questions unanswered. He explained these in detail and expressed a number of concerns felt by the Guildhall Market Traders.

Councillor Patrick Anketell-Jones in an *ad hoc* statement supported the project which he said would bring benefits to the area and would be attractive. He asked if it would be possible to have a day-time visualisation of the changes, in addition to the evening one in the report. He had been encouraged by the assurances recently given to the Market traders by the Leader of the Council but asked that Cabinet would protect the stall holders' rents from being increased unfairly until the projected increase in footfall had been demonstrated. He asked Councillor David Bellotti to put at rest the minds of the Market traders by sending them the comfort letter he had promised. Finally, he asked the Cabinet to develop a strategy for markets throughout the authority's area.

Councillor David Laming in an *ad hoc* statement asked that the River Regeneration Trust should be involved at an early stage because of the proximity of the river which he felt should be exploited.

Councillor David Bellotti introduced the item by saying that this was one of the most exciting projects for a number of years. The area in question had been neglected for too long. This was an opportunity to restore part of the history of Bath and to benefit the local economy. If adopted, this would be a legacy project with long-term benefits for future generations. He warned Cabinet however not to underestimate the challenges. He had been delighted that already over 15 positive responses had been received from businesses.

Councillor Bellotti assured the Cabinet that Council money would not be risked without having sufficient pre-lets in place to secure confidence in the project. He anticipated that phase 1 would produce a surplus which would be used elsewhere. He referred to the next phase, Market development and said that he felt the replacement of parked cars by market stalls must be a good thing. Phases 1 and 2 would be delivered by December 2014, taking into account the need for detailed planning applications.

He assured the Market traders that it was not his intention to increase rents or to leave them out of the plans. The intention was rather to increase footfall, which would benefit all Market traders. He assured them that the new market operator's brief would safeguard the existing excellent traders. He promised to send the requested comfort letter once the proposals before Cabinet were agreed.

He thanked Caroline Kay for her contribution. He agreed that to make it work, her points must be included in the plans. There were no plans to make any changes to the Victoria Art Gallery. He said that although the present plans did not include the archives, he was mindful of the benefits of upgrading their location.

He assured local residents that they would be fully consulted when phase 3 and 4 proposals were brought forward.

He moved the proposals.

Councillor Paul Crossley seconded the proposal by emphasising the importance of the project. He gave an assurance that nothing would be done which would be to the detriment of the Abbey project. He also assured Caroline Kay that the plans did not involve night clubs. He thanked her for the observation about the archives and agreed with her that the Guildhall basement was not the best location in which to house them.

Councillor Crossley emphasised that the Cabinet's express intention was to preserve a presence in all 3 existing centres – including the Guildhall. He assured the Market traders that the plans would make the market more vibrant and more attractive to shoppers, so that the market would thrive for another 150 years.

Councillor David Dixon read an entry he had seen on twitter in which a local businessman had said that the Undercroft was "a location to die for". He believed strongly that the key to success for the project was to increase footfall between the Guildhall Market and the Undercroft.



Councillor David Bellotti in summing up thanked the Chief Property Officer and his team for the excellent work done so far. He observed that the feedback from residents and shoppers had been very positive.

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

**RESOLVED** (unanimously)

(1) To NOTE the recommendations to deliver the overall project in phases as described in the attached Viability and Options report;

(2) To APPROVE a capital allocation of £5.29m for Phase 1, to be funded by Service Supported Borrowing;

(3) To DELEGATE the final decision to proceed is delegated to the Chief Property Officer, Leader of the Council, Cabinet Member for Community and Resources and the S151 Officer;

(4) To ASK the Chief Property Officer to submit planning permission for Phase 1 (developing the Colonnades and Empire Colonnades into restaurant space(s), including re-opening of the access routes from Boat stall Lane, Parade Gardens and Slippery Lane);

(5) To CONFIRM that a pre-let shall be agreed for the Phase 1 restaurant space(s) before the Council commits to construction works; and

(6) To AGREE that a licence shall be granted to a specialist market operator for Phase 2 – enhancing Bath Markets, including extending the market into the area of the Guildhall car park, and the possibility of providing planned street markets in High Street, Orange Grove and Grand Parade.

**205 CONNECTING COMMUNITIES: A LOCAL ENGAGEMENT FRAMEWORK FOR BATH & NORTH EAST SOMERSET**

Tony Crouch in a statement *[a copy of which is attached to these Minutes as Appendix 10 and on the Council's website]* welcomed the initiative but expressed some reservations. He felt that local communities should be taking the lead albeit with a lot of advice from the Council. He also felt that the phrase “cluster group” might put off some parish and town councils and might be misleading. Finally, he was concerned that Chew Valley and Keynsham were being proposed as separate cluster groups, despite the fact that they currently formed a single Partnership.

Councillor Paul Myers in an *ad hoc* statement said he felt that delivery of the proposals would be problematic, and cited the community asset transfer as an example. He felt that the proposals were short on actual measures to do things. He said that localism could not be imposed from above – it could only come from the community.



Councillor David Laming in an *ad hoc* statement observed the failure of the report to mention the river as an asset. He reported that the Keynsham River Group had been looking at ways to connect Keynsham back to its rivers.

Councillor Paul Crossley introduced the item by thanking Tony Crouch for his contribution and agreeing that cluster boundaries were notoriously difficult to draw; but he acknowledged his point about the Somer Valley Partnership being in 2 separate clusters, and said that the Divisional Director, Policy and Partnerships, would meet with him to discuss his points.

Councillor Crossley advised Councillor Myers that the Council had in fact handed over its first community asset only the day before. He emphasised that assets should only be handed over when they were clearly right for the community. He said that in Councillor Myers' own ward, the Town Hall and the Railway Station were assets which might possibly be transferred.

He referred to the points made by Councillor Laming and said that the proposals before Cabinet were a tool kit, not a geographic map, and so did not contain specific mention of any assets. He was delighted that this was a road map to connect all the local services – there was already good evidence of this happening in a variety of ways and was delighted to move the proposals.

Councillor David Dixon seconded the proposal. He had been the Chair of the Local Engagement Steering Group and was pleased to see the more engaging title Connecting Communities. Communities would be able to tell the Council what they wanted. He hoped that local councillors would be encouraged to act as community leaders.

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

**RESOLVED** (unanimously)

- (1) To ADOPT the “Connecting Communities Framework” set out in Appendix One, along with other public service partners working through the Public Services Board;
- (2) To REQUEST officers to begin the implementation of the framework through widely publicising the “Core Offer” set out in the “Connecting Communities Toolkit”;
- (3) To DELEGATE authority to the Divisional Director, Policy and Partnerships in consultation with the Council Leader the detailed plans for implementing the “Local Offer” set out in the “Connecting Communities Toolkit”;
- (4) To REQUEST the Divisional Director, Policy and Partnerships to work with local groups and communities to keep updated the Connecting Communities Toolkit in order to share good practice in local communities;
- (5) To NOTE the Draft Action Plan set out in Appendix Three of the report; and
- (6) To REQUEST a further report in 6 months updating on progress in implementing Connecting Communities.

## 206 PLACEMAKING PLAN LAUNCH DOCUMENT

The Chair referred to the draft notes from the Planning, Transportation and Environment PDS Panel [*copies of which had been placed in the public gallery before the meeting and are attached to these Minutes as Appendix 11 and on the Council's website*]. He asked Cabinet members to take into account the notes from the Panel.

Caroline Kay (Chief Exec, Bath Preservation Trust) in a statement [*a copy of which is attached to these Minutes as Appendix 12 and on the Council's website*] encouraged the Cabinet to ensure that the ambitious deadlines for adoption of the Plan which she reminded them was essential. This would require the allocation of sufficient resource to development of the Plan.

David Redgewell in an *ad hoc* statement asked the Cabinet to remember that places are for people. The Cabinet's recent proposals for bus priority in Dorchester Street were an example that they appreciated this.

Councillor Geoff Ward in an *ad hoc* statement acknowledged the very ambitious timetable but emphasised the urgent need to protect the city's heritage and views. More emphasis should be given to keeping traffic moving. The plans gave some cause for hope but there was some concern about neighbourhood plans.

Councillor David Laming in an *ad hoc* statement noted that the report expressed an intention to consult widely on the river corridor. He would watch closely to ensure that was done.

Councillor Tim Ball introduced the item by saying that this was the most important document brought for agreement for decades. He intended to continue the work by giving local people their say. He acknowledged the resource issues raised by Caroline Kay but said that the Planning Department was determined to deliver the Plan on time.

He moved the proposals.

Councillor Simon Allen in seconding the proposal noted the link between this item and the previous one. He emphasised the need from consensus and cross-party working to deliver the right policies in the time available.

Councillor Roger Symonds referred to the proposals for 3000 new homes on the South Stoke plateau and 1000 new homes on Combe Down. He said that local people were keen to know more about the plans. He reminded Cabinet that most journeys across the city were by bus. He favoured plans to introduce a flat fare in the city to make it viable for people to get into the city.

Councillor Tim Ball confirmed to Councillor Symonds that the local community would be consulted about the plans to provide new homes in South Stoke and Combe Down.

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

**RESOLVED** (unanimously)

(1) To AGREE the Placemaking Plan Launch document for publication as a basis for discussion;

(2) To ASK that the Placemaking Plan will return to Cabinet for consideration at subsequent stages in its preparation;

- (3) To AGREE the broad programme of activity and actions contained in the introduction of the Launch Document; and
- (4) To DELEGATE authority to the Divisional Director for Planning and Transport Development to make minor changes to the Launch Document in consultation with Cabinet Member for Planning and Homes to ensure clarity, consistency and accuracy across the document.

## 207 TRANSPORT IMPROVEMENT CAPITAL PROGRAMME 2013/14

Councillor David Laming in an *ad hoc* statement reminded Cabinet that the river taxis from Lambridge could stop at the Colonnades which might substantially increase footfall.

David Redgewell in an *ad hoc* statement welcomed the programme. He reminded Cabinet that the Bath Transport Package must be fully delivered and called for the improvement of local rail stations. He supported the suggestion made by Councillor Laming about water taxis.

Councillor Roger Symonds introduced the item. He observed that the programme was intended to deal with the day to day maintenance of the transport infrastructure and was not about major development. He introduced a number of items listed in the report. He was particularly pleased to report that the station ramp would be completed, now that the hitches had been overcome, with £400K of government funding. The proposal to contribute £70K towards the £200K cost of linking the northern end of the two tunnels to the railway path was also very exciting. He moved the proposals.

Councillor Dine Romero seconded the proposal. She welcomed the wide range of projects to improve safety, particularly those outside schools.

Councillor Paul Crossley said the list of projects would address the needs of all modes of transport in the Council's area. He was delighted to see the extension from the Two Tunnels and reminded the Cabinet that the route was very well used by pedestrians as well as cyclists.

On a motion from Councillor Roger Symonds, seconded by Councillor Dine Romero, it was

### **RESOLVED** (unanimously)

- (1) To APPROVE the Transport Improvement Capital Programme for 2013/14; and
- (2) To DELEGATE authority to the Group Manager, Transport and Planning Policy, in consultation with the Cabinet Member for Customer Services, to alter the programme as may prove necessary within the overall budget allocation.

The meeting ended at 8.40 pm

Chair \_\_\_\_\_

Date Confirmed and Signed \_\_\_\_\_

Prepared by Democratic Services

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Monday, 20th May, 2013

**Present:**

Councillor Paul Crossley	Leader of the Council
Councillor David Dixon	Deputy Leader and Cabinet Member for Neighbourhoods
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Caroline Roberts	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth
Councillor Ben Stevens	Cabinet Member for Sustainable Development

**1 WELCOME AND INTRODUCTIONS**

The Chair was taken by Councillor Paul Crossley, Leader of the Council.  
The Chair welcomed everyone to the meeting.

**2 EMERGENCY EVACUATION PROCEDURE**

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

**3 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**4 DECLARATIONS OF INTEREST**

There were none.

**5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

**6 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were none.

**7 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS**

There were none.

## **8 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES**

The Chair referred to the recent meeting of the Early Years, Children and Youth PDS Panel, which had considered the Call-in of the Cabinet decision on Home to School Transport. He observed copies of the notes and resolution from the Panel meeting had been placed in the public gallery prior to this meeting [*and a copy of which is attached to these minutes as appendix 1 and on the Council's website*].

He welcomed Councillor Davis, Chair of the Panel, to the meeting and asked her to introduce the Panel's recommendations to Cabinet.

Councillor Davis in a statement [*a copy of which is attached to these minutes as appendix 2 and on the Council's website*] explained that the Panel had agreed to ask Cabinet to reconsider their decision made on 10<sup>th</sup> April. She laid out the reasons behind the Panel's request.

The Chair thanked Councillor Davis and the Panel for their hard work and said that the decision would be reconsidered, taking into consideration all the new evidence alongside the previously existing evidence.

## **9 HOME TO SCHOOL TRANSPORT REVIEW 2012**

Councillor Liz Hardman in a statement said she felt the Cabinet had been misinformed when they had made their previous decision, resulting in a decision which was discriminatory. She also felt that the cost analysis had been flawed, so Cabinet had made a decision which would not deliver the headline savings figures, and had not properly considered other options which might have delivered substantial savings without abolishing the subsidy entirely. There were therefore no good grounds for withdrawing the subsidy.

Councillor Sarah Bevan in a statement [*a copy of which is attached to the Minutes as Appendix 3 and on the Council's website*] declared an "other" interest because her son attended a faith school and she received a transport subsidy from the Council. She felt that the process had been flawed from the outset because the original research had been based on the LEA boundaries, yet the two schools in question served much larger geographical diocesan areas. The decision would discriminate against families who lived in the outer parts of the dioceses. Removing the subsidy would also represent a discriminatory disadvantage for ethnic minority families, a substantial number of whom were catholic and whose children attended St Gregory's.

Cllr Bevan was very concerned that the decision might lead to large numbers of catholic parents being financially unable to send their children to the one school in the diocese which would uphold their faith.

Raymond Friel (Executive Head Teacher, St Gregory's and St Mark's) in an *ad hoc* statement emphasised the impact the decision would have across the city. He challenged the argument about a demographic bulge which it was claimed would provide increasing numbers of children into the schools in Bath; he said that it would have only a short-term effect. He asked the Cabinet to consider carefully the impact their decision would have on the whole school provision in the city and much wider.

Councillor Dine Romero in her introduction referred to Raymond Friel's statement and said that primary school numbers supported the contention that secondary admissions numbers in future years would increase. She assured Councillor Davis

that Cabinet had been aware of all the facts available at the time, and that all the new evidence now available would be considered. She explained to Cabinet that it was not in fact possible to be sure how many parents might decide not to send their children to a faith school as a result of losing the subsidy. She acknowledged that it would be some time before the full savings would be delivered, but explained that this was because Cabinet had been determined not to deprive existing families whose children already received the subsidy and whose younger children would also be able to enjoy it.

Councillor Romero reminded the Cabinet that she had addressed all the issues when she spoke at the Call-in Panel; it was not correct to say that some evidence had not been taken into account. She was very clear that the phrase “cost-neutral” meant cost-neutral to the Council. She warned that a large increase parental contribution might in any case dissuade a number of parents and would lead to an unsustainable model.

She proposed to Cabinet that they CONFIRM the original decision made on 10<sup>th</sup> April.

Councillor David Bellotti seconded the proposal. He reminded Cabinet that it was necessary to save £30M over 3 years because of cuts in central funding and that the option to increase Council Tax had been rejected. He also observed that government would conduct a further funding review in 2015/16, out of which further funding pressures would arise.

Councillor Bellotti rejected criticisms of discrimination. He said that when making its original decision, Cabinet had been mindful to avoid the possibility of discriminating against younger siblings of existing pupils. He acknowledged that it would therefore take longer to realise the savings but he had felt that this was the right thing to do.

He reminded the Cabinet that government had made no cuts to education and nor had this Council. On the contrary, substantial capital sums had been invested in St Gregory’s, Beechen Cliff and Ralph Allen.

As a member of the faith community, he had felt uncomfortable that the subsidy appeared to give special treatment to a few parents. Bristol, South Glos and Wiltshire authorities did not subsidise parents whose children attended St Gregory’s. He felt that this authority should come into line.

Councillor David Dixon said that previous speakers had been right to point out the risk that some children from further afield might not opt for a faith school because of their transport costs; but the two schools were very special places and would remain so. He had looked at a number of policies of authorities across the country. The policy in Kent had been raised by one respondent but he said that Kent’s policy was not as generous as the one being proposed for confirmation because the proposals would ensure fairness for families who had already shown a commitment to faith education. He gave an assurance that the council was meeting and exceeding its statutory duty.

Councillor Paul Crossley thanked all the contributors and correspondents. He expressed the Cabinet’s incredible respect for the work done by Raymond Friel and others although he felt that Mr Friel was being pessimistic in saying that the balance of catholic children in his school would be at risk. He reminded Cabinet that there were a number of ways of transporting children to school, one of which for longer journeys would be to lift share. He restated the Council’s commitment to work with St Gregory’s on its exciting VI form project.

Councillor Dine Romero in summing up paid tribute to the hard work done by the PDS Panel, which had provided the main source of information leading to the decision. She stressed that the decision was about fairness and that parents' right to choose a good school for their children was not being removed.

On a motion from Councillor Dine Romero, seconded by Councillor David Bellotti, it was

**RESOLVED** (unanimously)

To CONFIRM the previous Cabinet decision:

- (1) To AGREE that the Council should continue to seek to encourage more sustainable methods of home to school transport, particularly an increase in cycling;
- (2) To AGREE that the Council should encourage the promotion of safe cycling routes to school as an alternative to using the car where there is a safe route to do so and that the feasibility of establishing the following two routes should be investigated:-
  - a) Between Bishop Sutton and Chew Valley School.
  - b) Between Compton Dando and Marksbury.
- (3) To AGREE with effect from September 2014 a phased withdrawal of subsidised home to school transport services for new starters attending denominational schools from September 2014 who would not qualify under other home to school policy subsets, (e.g. as a low income family) save in the case of children with siblings currently at the school. This option would not affect students who currently attend the school, only new pupils joining in September 2014. The anticipated savings from this withdrawal would be seen over a number of years can be found in the table in 3.2.5.
- (4) To AGREE to maintain the budget to provide transport for Children in Care [circa £70,000] for the foreseeable future; and
- (5) To ASK Passenger Transport Services to review home to school transport routes on a termly basis to ensure best value for money and that home to school transport bus routes are as efficient and effective as possible. This should also include liaising with parents/carers of students who have Special Educational Needs to consider whether it is appropriate for them to receive independent travel training and a personalised transport budget to arrange their own transport which may be more suitable for their needs, similar to the system used at Coventry City Council.

**Additional Documents**

The meeting ended at 7.20 pm

Chair \_\_\_\_\_

Date Confirmed and Signed \_\_\_\_\_

**Prepared by Democratic Services**



## Cabinet Single-Member Decisions and Responses to Recommendations from PDS Panels

published 3-May-13 to 31-May-13

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=3>

Date	Decision Maker
Reference	Title

29-Apr-13 Cllr Roger Symonds

**E2481 Bathwick Hill, Bathwick - Zebra Crossing TRO**

*The Cabinet Member decided not to implement the proposals*

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10-May-13 Cllr Roger Symonds

**E2537 Keynsham area 20mph speed limit TRO**

*The Cabinet Member agreed that the proposals should be implemented, but with the exception of Park Close which is a private access road*

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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	12 June 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E2529
TITLE:	Houses in Multiple Occupation in Bath: Confirmation of Article 4 Direction and Adoption of Supplementary Planning Document	
WARD:	Bath	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix A – Adoption Draft Houses in Multiple Occupation in Bath Supplementary Planning Document		
Appendix B – Schedule of amendments to the Draft Supplementary Planning Document		
Appendix C – Consultation Report: Houses in Multiple Occupation in Bath Supplementary Planning Document		
Appendix D – Consultation Report: Article 4 Direction for HMOs in Bath		

## 1 THE ISSUE

- 1.1 A decision is sought about whether to (i) confirm a city-wide Article 4 Direction, which would restrict permitted development rights and trigger planning permission to be required for change of use between a family house (use class C3) and a small House in Multiple Occupation, with 3-6 people unrelated people sharing facilities (use class C4) and (ii) adopt a Supplementary Planning Document to supplement Local Plan policy HG.12, to inform how these new planning applications will be determined.

## 2 RECOMMENDATION

The Cabinet agrees that:

- 2.1 The Article 4 Direction relating to small HMOs made on 31 May 2012 (as advertised in the Council's Notice of Making an Article 4 Direction ) is confirmed from 1st July 2013.
- 2.2 The *Supplementary Planning Document on Houses in Multiple Occupation in Bath (Appendix A)* is adopted to supplement the Bath & North East Somerset Local Plan, specifically saved Policy HG.12 and is given significant weight in the determination of planning applications.
- 2.3 Responsibility is delegated to the Divisional Director of Planning & Transport to make graphic and minor textual amendments to the SPD (**Appendix A**) prior to adoption.

### 3 FINANCIAL IMPLICATIONS

- 3.1 Detailed work on the costs of implementing all of the options in relation to planning and housing controls was undertaken and was reported previously to Cabinet in March 2012. A full cost breakdown was set out in section 3.3 of the 14<sup>th</sup> March 2012 Cabinet and in Appendix C to that [Report Implementation Cost Assessment Summary \(Feb 2012\)](#) (see background papers).
- 3.2 Joint working arrangements between Planning and Housing are in place to ensure that efficiencies are being made by sharing data on HMOs and communicating on relevant enforcement activities.
- 3.3 The costs associated with confirming the Article 4 Direction and adopting the SPD can be met within the existing LDF budget 2013-14.
- 3.4 There are ongoing costs to Planning Services of implementing the new planning controls estimated to be £31k recurring per annum (non recoupable) from date of implementation (i.e. 1<sup>st</sup> July 2013). This equates to a pro-rata cost to Planning of £23k for the remainder of the financial year after implementation (1<sup>st</sup> July 2013 – 31<sup>st</sup> March 2014).
- 3.5 The £23k costs for year 1 (2013-14) are being covered by a draw down from the revenue budget contingency.
- 3.6 A review will need to be undertaken before the end of year 1 to ascertain the ongoing costs of implementing the new planning controls. Additional budgetary requirements will either need to be put forward as a growth item in the 14/15 budget or resources found from existing planning budgets.

### 4 CORPORATE OBJECTIVES

- 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 prosperity 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

#### ***Introduction***

- 5.1 The definition of a small House in Multiple Occupation (HMO) in planning terms is essentially a dwelling with between three and six unrelated people living together and sharing facilities such as bathroom and/or kitchen.
- 5.2 Evidence gathered since 2011 by Housing and Planning Services, highlights the following issues:
- There are 3,850 HMOs in the district (as defined under planning regulations), the majority of which are located in the City of Bath

- There is a strong geographical clustering of HMO in specific parts of the City. The wards of Widcombe, Westmoreland and Oldfield have the highest numbers of HMO with shared facilities, there are estimated to be up to 1,500 properties of this type in these wards alone
- The Council on average receives 428 general service requests per year which can be directly related to the domestic use of HMO. Almost half of these come from the wards of Oldfield, Widcombe and Westmoreland.
- For the above three wards, in 2011 Council Connect received a total of 237 requests for street sweeping and 95 complaints in relation to domestic waste being put out on the wrong day
- Common issues raised by residents highlight problems including poor property and garden maintenance, rubbish and litter, loss of community balance (particularly where areas become under-occupied over the summer months) and where HMO are seen to dominate the housing mix. Parking problems and low level anti-social behaviour are also reported.
- Tenant's surveys and a recent survey undertaken by the University of Bath Student's Union also highlight that there is also further work that could be done to enhance the experience of HMO occupants in the City.

### ***The process to date***

- 5.3 In response to concerns about the high, and increasing, levels of Houses in Multiple Occupation (HMO) in certain parts of Bath the Council investigated the feasibility of implementing an Article 4 Direction in Bath in relation to HMOs in Summer 2011. This followed a change in national legislation in 2010.
- 5.4 Following the initial feasibility assessment, in March 2012 the Cabinet agreed to (i) issue one year's notice of the Council's intention to implement an Article 4 Direction in relation to HMOs for the entire City of Bath and to undertake the necessary advertisement and consultation processes; (ii) prepare a Supplementary Planning Document to enable the implementation of the Article 4 Direction and (iii) Housing Services asked to gather evidence to consider whether to implement an additional licencing scheme for HMOs in Bath.
- 5.5 In October 2012, the Cabinet agreed a draft Supplementary Planning Document on HMOs for public consultation.
- 5.6 The Cabinet is now asked to consider the consultation responses received and decide whether to proceed to confirm the Article 4 Direction and adopt the Supplementary Planning Document.
- 5.7 A Report on a proposed Additional Licencing Scheme is also being considered by Cabinet on 12<sup>th</sup> June. The Planning and Housing Departments have been working closely together on this project – including evidence sharing and joint consultation/work with stakeholders. If implemented, Additional Licencing has the potential to be applied retrospectively and should also help deal with existing property management issues in relation to HMO and ensure they are safe for the occupants.

### ***Article 4 Direction***

## *Background*

- 5.8 On 31<sup>st</sup> May 2012 a Direction was made under Article 4 of the *General Permitted Development Order* and a notice of the making of an Article 4 Direction for the entire city of Bath in relation to small Houses in Multiple Occupation was published stating the Article 4 Direction was made and would come into effect from 1<sup>st</sup> July 2013 if confirmed). This notice included a regulatory consultation period..
- 5.9 The Article 4 Direction, if confirmed, would mean that express planning permission is required from the Local Planning Authority via a planning application process, for a change of use from a dwelling house (i.e. family house), use class C3 to a small HMO (3-6 unrelated people living together sharing facilities), use class C4. Planning permission is already required for large HMOs.
- 5.10 B&NES will not be able to collect a fee for the processing of these applications. Reasons for refusal of planning permission will still be required on a case by case basis.
- 5.11 It should be emphasised, that an Article 4 Direction cannot be applied retrospectively and it would only control future changes of use from the date it comes into effect (i.e. 1<sup>st</sup> July 2013). It would not therefore necessarily tackle any existing issues in areas that already have a high density of HMOs.

## *Public consultation*

- 5.12 The public consultation comments are summarised in **Appendix D** to this report. A total of 359 written responses were received in response to the consultation, only six of which were objections. The majority of respondents were residents of Oldfield and Westmoreland wards.
- 5.13 The students unions of both Universities oppose the Article 4 Direction, as they believe that there should not be a cap on the numbers of HMOs anywhere in Bath, and that HMOs also provide for housing relied on by young professionals, trainee teachers and nurses as well as those on low incomes and students. This position is reflected in the petition submitted to the Council in February 2013 signed by 698 people (see **Appendix C – Annex D-** for a copy of this petition).
- 5.14 Landlords groups, and the Bath Chamber of Commerce also oppose the Article 4 Direction as they do not support restrictions being applied to the housing market in Bath. While the Bath Chamber of Commerce continue to express concern about potential impacts on graduate retention, the landlords groups cite the restriction of affordable housing options, the inflation of rental prices for tenants, costs of implementation for the Council and displacement effects as their main criticisms.
- 5.15 The exceptional circumstances which justify the Article 4 Direction are seen to be the evidence of the high concentrations of HMOs in parts of the City, which is considered to be the primary cause of harm to amenity, due to its impact on community balance.

## *Conclusion*

- 5.16 The Cabinet is asked to consider the results of the public consultation (**Appendix D**), and consider in the light of these whether or not the Article 4 Direction should be confirmed.

## **Supplementary Planning Document**

### *Background*

- 5.17 The 2011 *Article 4 Feasibility Study* 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 more effective. A Supplementary Planning Document has been produced setting out the framework within which planning applications for a change of use from a dwelling house to a HMO will be determined and includes references to the data sources to be used in that determination.
- 5.18 The Council considered the policy approaches of other authorities in drafting the SPD – in particular Oxford, Exeter, York and Welwyn & Hatfield. Similar threshold approaches and policies are proposed that relate to the local conditions in Bath.
- 5.19 The SPD would introduce a new threshold policy to supplement the saved Local Plan policy HG.12. A two stage assessment process is proposed to make it as clear as possible from Stage 1 if permission is likely to be granted for a change of use to an HMO from a family house.
- 5.20 At Stage 1 if the property is located within a “red” area on the map (see Map 2 on p9 of **Appendix A**) then planning permission is unlikely to be granted for the change of use and a Stage 2 detailed assessment is triggered. This Map will be updated online every 6 months with the latest data.
- 5.21 The SPD also relates to larger HMOs which are classified as Sui Generis, where a HMO has 7 or more occupants and where a material change of use can be demonstrated a separate planning permission is needed.
- 5.22 The result of the policy would be that permissions for change of use from a family home to an HMO could be refused in neighbourhoods with over 25% of the existing housing stock known to be an HMO. This would assist in maintaining community balance and a mix of tenure and household types, and halt the high rate of conversions to HMOs in specific areas of Bath.

### *Conclusion*

- 5.23 The Cabinet is asked to consider the results of the public consultation (**Appendix C**), together with the proposed Schedule of Amendments to the SPD (**Appendix B**) and decide whether to adopt the document (**Appendix A**) alongside the Article 4 Direction.

## **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 A 12 month notice period has been given, advertising the Council's intention to implement a non-immediate Article 4 Direction to avoid liability to pay compensation.
- 6.3 The Secretary of State now performs only a supervisory function in relation to Article 4 Direction. The Secretary of State has the power to cancel the Article 4

Direction; however, they will only intervene if there are clear reasons why this is necessary.

6.4 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 amenity or the proper planning of the area.”* The exceptional circumstances are set out above at para 5.15

6.4 A Supplementary Planning Document can also be open to challenge, for example, by planning appeal, however, every effort has been made to ensure that a robust policy approach has been taken.

6.5 A limited number of authorities have implemented Article 4 Directions or Supplementary Planning Documents in relation to HMOs so there is relatively little precedent. However, we have discussed with and learnt lessons from other authorities with similar issues who have implemented similar policies.

6.6 The Council’s affordable housing policies linked to new development also help to address issues of housing affordability in the district.

## **7 EQUALITIES**

7.1 An Equality Impact Assessment (EqIA) has been completed for both the Article 4 Direction and the Draft Supplementary Planning Document, as well as in combination effects with the Additional Licensing (included as background documents). The existing EqIA are considered still fit for purpose as only very minor changes to SPD are proposed.

7.2 The main conclusions of the assessments in relation to planning can be summarised as follows:

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



- The in-combination benefits of the planning controls together with the Additional Licencing proposals were also noted in the Equalities Impact Assessments.

7.3 A “do nothing additional” approach was considered in March 2012, adverse equalities impacts of this were also noted including:

- the potential for neighbourhood quality to worsen over time, which would disproportionately affect some equalities groups; and
- House prices in areas with high level of HMOs could continue to be inflated making home ownership more difficult for families and lower income groups.

7.4 Following the most recent EqIA recommendations, additional work was undertaken to make sure that appropriate support was available for equalities groups as part of the recent public consultation on the SPD and Additional Licencing Proposals. This included initiating one to one conversations with representatives of various equalities groups as well as attending Polish Community meeting in Oldfield Park. Further details can be found in **Appendix C**.

## 8 RATIONALE

8.1 A decision is requested to either:

- Proceed to confirm the Article 4 Direction for HMOs in Bath and adopt the Supplementary Planning Document ;or
- Decide not to proceed further with either at this time.

## 9 OTHER OPTIONS CONSIDERED

9.1 A full range of options in relation to the control and regulation of HMOs in Bath was considered by Cabinet (and other committees) in 2011-12 (see background documents). A decision was made to undertake work to proceed with an Article 4 Direction, accompanied by a Supplementary Planning Document and for Housing Services to explore the implementation of Additional Licencing for HMOs.

## 10 CONSULTATION

10.1 *Ward Councillor; Cabinet members; Policy Development and Scrutiny Panel; Other B&NES Services; Local Residents; Community Interest Groups; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

10.2 In addition to the debates at various committees where this item has been considered (see background documents). Formal consultation was carried out in four stages, the key stages are summarised below:

<b>Stakeholder workshop – Feasibility Report</b>	<p>Early Stage consultation workshop with key stakeholders to explore options in relation to controls over HMOs (October 2011). The key feedback was:</p> <ul style="list-style-type: none"> <li>• Support for whole city Article 4 Direction and pursuing planning controls</li> <li>• Support for exploring Additional Licencing alongside Planning</li> </ul>
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	<p>controls to address property management issues for existing HMOs</p> <ul style="list-style-type: none"> <li>• Support for maintaining existing management arrangements e.g. student community liaison and community helpline</li> </ul> <p>Full details of the consultation workshop can be found as part of the <a href="#">Article 4 Direction Feasibility Study</a> (Feb 2012)</p>
<b>Public consultation on Article 4 Direction for HMOs</b>	<p>Formal Regulatory Planning Consultation on the Article 4 Direction Notice (May – July 2013). The key feedback was:</p> <ul style="list-style-type: none"> <li>• A total of 359 written responses received</li> <li>• Only 6 objections to Article 4 Direction and 353 in support</li> <li>• Majority of respondents residents of Oldfield Park and Westmoreland</li> <li>• One request for a street to be exempted from the scheme (Lorne Road)</li> <li>• Objections received from the University of Bath &amp; Bath Spa Student Unions, the National Landlord Association, the Residential Landlord Association and three individuals.</li> </ul> <p>This <a href="#">consultation feedback</a> was reported back to Cabinet in October 2012</p>
<b>Stakeholder workshop – policy proposals</b>	<p>A joint Housing &amp; Planning Stakeholder workshop was held in (July 2012) to explore the evidence base and explore potential policy options for inclusion in the Supplementary Planning Document on HMOs in Bath and an Additional Licencing scheme. The key feedback in relation to the planning elements was:</p> <ul style="list-style-type: none"> <li>• Support for two stage approach for applicants</li> <li>• Planning policy needs to be kept as simple as possible so that it is easy to understand – issues such as parking, waste and gardens are best dealt with using the other mechanisms (such as licencing)</li> <li>• 25% threshold considered locally appropriate given local evidence</li> </ul> <p>The findings of this <a href="#">stakeholder workshop</a> were reported back to Cabinet in October 2012</p>
<b>Public consultation on draft Supplementary Planning Document</b>	<p>Public consultation on the Supplementary Planning Document was undertaken in October – November 2012. The consultation activities were combined with the Additional Licencing consultation. The key was:</p> <ul style="list-style-type: none"> <li>• Approx. 300 people attended the seven drop in events held in Bath</li> <li>• In addition, the University of Bath and Bath Spa University Student Unions submitted a joint petition with 651 signatories objecting to the proposed planning controls.</li> <li>• 50 written responses were received to the planning consultation</li> <li>• 21 responses supported the SPD in full</li> <li>• The Bear Flat Association, the Widcombe Association and the Federation of Bath Residents' Associations supported the SPD</li> <li>• 29 responses included some level of objection:</li> <li>• 20 respondents (mainly local residents) generally supported the policy approach proposed but would like to see a lower threshold than 25%. There was no consensus about what a lower threshold should be and suggestions ranged from 9-20%</li> <li>• The Bath Chamber of Commerce continues to object to the greater regulation of housing which provides affordable accommodation for</li> </ul>

	<p>young people</p> <ul style="list-style-type: none"> <li>• The Conservative Group supports the measures but raised some questions of implementation</li> <li>• Bath Spa University made some comments without objecting strongly</li> <li>• The University of Bath objected, stating that it does not consider the Article 4 Direction to be justified and asks that the Council seriously considers the impact on the city's housing market and local economy. If it proceeds the University supports the need for an SPD and proposes a 30% target with streets on key transport corridors exempted.</li> <li>• A resident of Lorne Road objected to the proposals and requests that the road be exempted</li> <li>• The National Landlord Association and the Residential Landlord Associations both objected to the proposals. Their key objections are: (i) Additional Licencing Impact should be considered first before planning controls. (ii) The creation of an HMO does not necessarily constitute a material change of use therefore this policy will not be able to be implemented. (iii) The Article 4 Direction will mean it is not possible for landlords to respond to housing demand.</li> </ul> <p><b>Appendix C</b> to this report includes a summary of the consultation activities undertaken, a more detailed summary of the consultation responses and a copy of the consultation responses in full.</p>
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10.3 The issues raised during the last stage of the consultation on the Supplementary Planning Document were considered and a number of amendments are proposed in **Appendix B**. In some cases while the issues were considered in depth, no changes are proposed as the existing approach was considered to be sound, specifically:

- No change is proposed to the 25% threshold included in the SPD
- No areas/streets are proposed to be exempted from the Article 4 Direction

10.4 The rationale for this approach is included in section 5 of this report and in **Appendix C**.

## 11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Customer Focus; 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.

<b>Contact person</b>	David Trigwell, Divisional Director – Planning & Transport 01225 394125
<b>Sponsoring Cabinet Member</b>	<i>Councillor Tim Ball</i>

<b>Background papers</b>	<p>The list below also include hyperlinks:</p> <ul style="list-style-type: none"> <li>• Planning, Transport, Environment Policy Scrutiny Panel Report 6 December 2011 – <a href="#">Planning Control (Article 4 Direction) for Houses in Multiple Occupation (HMOs) in Bath</a></li> <li>- <a href="#">Draft Report “Article 4 Direction for HMOs in Bath”</a></li> <li>- Cabinet Report 14 March 2012 – <a href="#">Control &amp; Regulation of Houses in Multiple Occupation in Bath: Implementation Options</a></li> <li>- <a href="#">Article 4 Direction for Houses in Multiple Occupation: Feasibility Study (February 2012)</a></li> <li>- <a href="#">HMO Study Options – Equality Impact Assessment (December 2011)</a></li> <li>- <a href="#">HMO Study Options: Implementation Cost Assessment Summary (February 2012)</a></li> <li>- <a href="#">HMO Licencing: Private Sector Licencing (February 2012)</a></li> <li>• Development Management Committee Report 14 March 2012 – <a href="#">Control and Regulation of Houses in Multiple Occupation in Bath: Implementation Options</a></li> <li>• Planning, Transport, Environment Policy Scrutiny Panel Report 8 October 2012 – <a href="#">Houses in Multiple Occupation in Bath Supplementary Planning Document Consultation Draft</a></li> <li>• Cabinet Report 10 October 2012 – <a href="#">Houses in Multiple Occupation in Bath Supplementary Planning Document: Consultation Draft</a></li> <li>- <a href="#">Draft Supplementary Planning Document (Sept 2012)</a></li> <li>- <a href="#">Article 4 Direction Consultation Report</a></li> <li>- <a href="#">Stakeholder Workshop Report (August 2012)</a></li> <li>- <a href="#">Equalities Impact Assessment of the SPD</a></li> <li>- <a href="#">Sustainability Appraisal Screening Report</a> (October 2012)</li> <li>• Legal Notice (31 May 2012) - <a href="#">Notice of its intention to implement an Article 4 Direction for the entire city of Bath in relation to Houses of Multiple Occupation</a></li> <li>• <a href="#">SHMAA (March 2013)</a></li> <li>• <a href="http://www.bathnes.gov.uk/hmo">www.bathnes.gov.uk/hmo</a> B&amp;NES HMO webpage</li> </ul>
<p><b>Please contact the report author if you need to access this report in an alternative format</b></p>	

# Houses in Multiple Occupation in Bath

Supplementary  
Planning Document

Adoption Version  
June 2013





For more information on *Houses in Multiple Occupation in Bath* please contact the Planning Policy team at: [planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk)

This document can also be viewed on our website: [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)

*Houses in Multiple Occupation in Bath* can be made available in a range of languages, large print, Braille, on tape, electronic and accessible formats by contacting Planning Policy on: Telephone: 01225 477548 Fax: 01225 394199

Photographs courtesy of Jonathan Pilbeam and Jordan Green (August 2012)

Design by SteersMcGillanEves [www.steersmcgillaneves.co.uk](http://www.steersmcgillaneves.co.uk)

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## 1.0 Introduction

### 1.1 Purpose

This Supplementary Planning Document (SPD) accompanies **saved policy HG.12 from the Local Plan** and sets out Bath & North East Somerset Council's approach to the distribution and dispersal of Houses in Multiple Occupation.

It aims to encourage a sustainable community in Bath, by encouraging an appropriately balanced housing mix across Bath, supporting a wide variety of households in all areas.

The SPD does this by setting out criteria for assessing planning applications required by the introduction of an Article 4 Direction for the change of use from Family Homes (Use Class C3) to Houses in Multiple Occupation (Use Classes C4 of Sui Generis) across the entire City of Bath.

It is important to note that planning applications are assessed against national and local planning policy and all other material considerations. Requiring an application to be submitted does not mean that all will be refused; rather it allows the Council to assess each case against agreed criteria before making a decision.

### 1.2 Scope

A Supplementary Planning Document (SPD) is intended to expand policy or provide further detail supporting policies in the Development Plan. It does not have Development Plan status, but it will be accorded significant weight as a material planning consideration in the determination of planning applications. The provisions of any SPD cannot, therefore, be regarded as prescriptive but they can provide a powerful indicative tool in the interpretation and application of policy.

This document does this by setting out key decision making criteria for determining the following types of planning application:

- Applications for a change of use from a C3 (dwellinghouse) to C4 HMO where permitted development rights have been withdrawn via an Article 4 Direction covering the entire City of Bath (**see map 1**)
- Applications for change of use to large HMOs of more than 6 people, where there is a material change of use
- Applications for new purpose built HMOs.

### 1.3 Policy Context

#### National

The National Planning Policy Framework sets out a need to provide a mix of housing supply to provide for current and future generations and to "create sustainable, inclusive and mixed communities".

#### Local

This SPD supplements Local Plan Saved Policy HG.12, which is set out below. Also of relevance are Draft Core Strategy Policies CP10 (Housing Mix), B1 (Bath Spatial Strategy) and B5 (Strategic Policy for Bath's Universities).

#### Policy HG.12

Development for the use of buildings for residential purposes within the ambit of Policies HG.4 and 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:

- i) 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;
- ii) does not seriously injure the amenities of adjoining residents through loss of privacy and visual and noise intrusion;

- iii) is not detrimental to the residential amenities of future occupants; and
- iv) 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.



Map 1  
Coverage of the Article 4  
Direction is the entire City of Bath

Legend  
Administrative boundary  
for the City of Bath

## 2.0 Background

### 2.1 What is an HMO?

Houses in Multiple Occupation (HMOs) can be defined as houses with three or more people from two or more families living together in a residence.

Under the Housing Act 2004<sup>1</sup> 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 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 arrangements.

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 between three and six people. This change aligns the Use Classes Order with the definition of a HMO within the Housing Act 2004.

### 2.2 Context

The private rented housing market in Bath is complex, and there is a diverse demand for flexible housing. HMOs are occupied by a wide range of groups including young professionals, students, immigrants, asylum seekers, those on housing benefit and contract workers. HMOs therefore have an important role to play in Bath's economy.

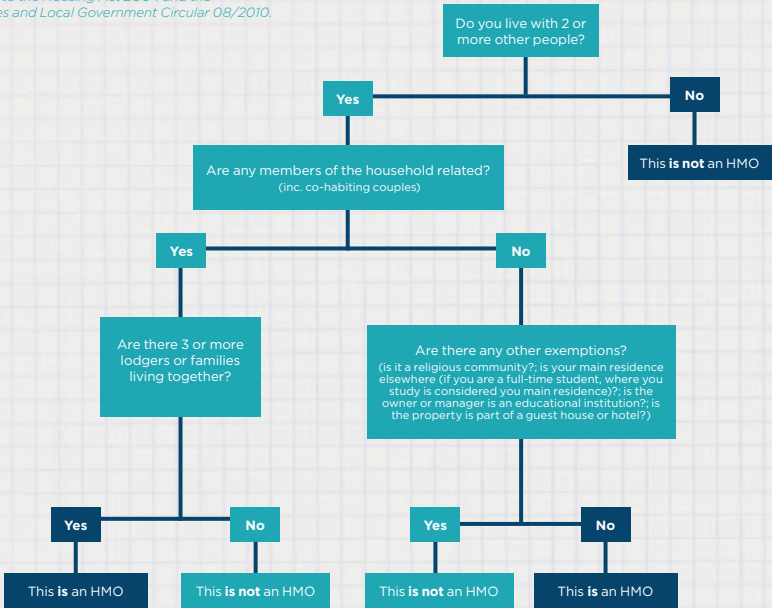
**Flow chart 1** overleaf, sets out the process for determining whether or not your house qualifies as an HMO.

The combination of an Article 4 Direction and this SPD will manage the future growth and distribution of HMOs across the City, with the aim of creating more balanced communities.



<sup>1</sup> Housing Act 2004, Part 254.  
<http://www.legislation.gov.uk/ukpga/2004/34/section/254>

**Flow Chart 1**  
Do you live in an HMO?  
*This is a guide only. For a legal definition of HMOs, please refer to the Housing Act 2004 and the Communities and Local Government Circular 08/2010.*



3.0  
Supplementary Policy

Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs) will not be permitted where;

**Stage 1 Test:** The application property is within or less than **50 metres from a Census Output Area** in which HMO properties represent more than **25%** of households; and

**Stage 2 Test:** HMO properties represent more than **25%** of households **within a 100 metre radius** of the application property.

HMOs will be defined as falling within one or more of the following categories:

- Recorded on B&NES Housing team's database as a licensed HMO.
- A property benefiting from C4 or sui generis HMO planning consent
- Any other properties held on B&NES Housing team's database as HMOs.
- Council tax exempt student properties

A threshold of 25% has been proposed, based on a number of factors including local evidence (such as the statistics below), a consideration of the suitability of the housing stock and public transport corridors and existing levels of HMOs. The 25% threshold also reflects the key geographical areas of residents concern with HMOs.

Key Facts and Figures

Private rented properties in B&NES	18%
Proportion of Bath's population who are students	18%
Proportion of Bath's student population not in halls	13%

Students make up one part of the HMO population in Bath and the threshold set needs to account for this population plus others (which the Council have less reliable statistics on).

The **Stage 1** test ensures that potential applicants are given an early indication of whether their application is likely to be successful, without the need for more detailed analysis.

The **Stage 2** test ensures a fair policy across the city, ensuring that the application site forms the centre point. A 100m radius has been set, which represents approximately a two minute walk, or your immediate neighbourhood.

The following data will be used to map the areas with over 25% HMOs:

- licensed HMOs - records from the Council's Housing team of those properties requiring an HMO licence will be utilised. This will cover both mandatory (those properties that are three storeys or over and are occupied by five or more persons) and additional licensing;
- properties benefiting from C4 or sui generis HMO planning consent - in addition to those properties already identified as having HMO permission, where planning permission is given for a change of use to C4 HMO or a certificate of lawful development issued for existing HMOs this will be recorded in the future to build up a clearer picture of HMO properties;
- Council tax exempt student properties
- properties known to the Council to be HMOs - this can be established through site visits undertaken by the Council's Housing or Planning Enforcement team in response to complaints for example.

These data sets will be used to calculate the proportion of HMOs as a percentage of all households. It is considered that these sources will provide the best approach to identifying the numbers and location of HMOs in an area, although it is accepted that it may not be possible to identify all properties of this type. The data will be analysed to avoid double counting, for example, identifying where a property may be listed as a licensed HMO and have sui generis HMO planning consent.

Data will be updated on a twice yearly basis (on 1st December and 1st July each year) to ensure that changes of over time are captured and that the latest data can be used in determining a planning application. Applicants will need to take account of the current map on the date that their application is registered. A map displaying the most recent data will be made publicly available.

Larger Houses in Multiple Occupation

An increase in the number of occupants of a dwelling house from 6 to 7 is identified as a change of use as defined by the Use Class Order; therefore it is likely that planning permission will be required.



4.0  
Threshold Assessment for Planning Applications

4.1  
Stage 1

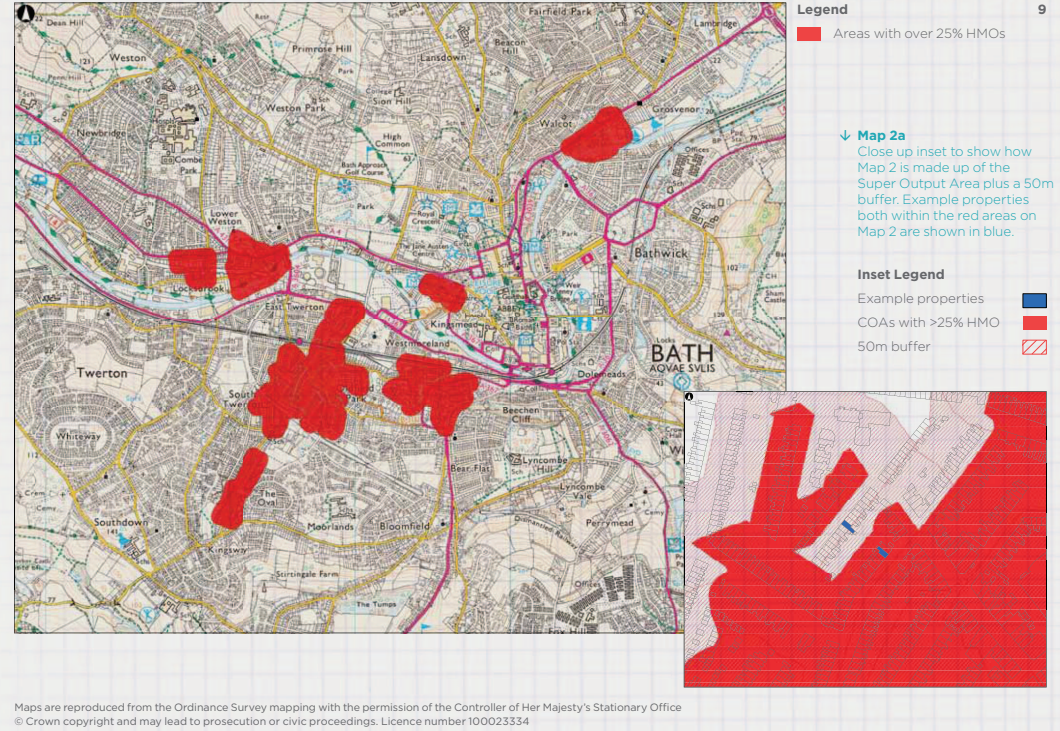
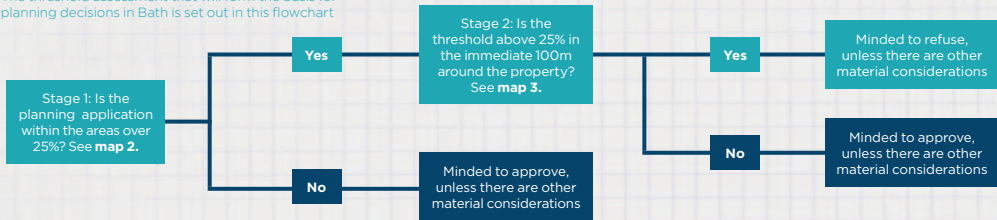
This first stage will simply assess whether or not the application is within any of the areas identified on the publicly available HMO density map. As the map is updated on a twice yearly basis, the latest map on the date of validation of the application will be used for analysis.

The HMO density map will show which Census Output Areas (COA) across the City are currently at or above the 25% threshold. A COA includes an average of approximately 125 households and is defined by the Office for National Statistics (ONS).

This can be seen to represent a "home-patch" as defined in *Shaping Neighbourhoods: A guide for health, sustainability and vitality* (Barton et al, 2003). In order to ensure that properties that may be surrounded by a high concentration of HMOs (but that lie just outside the relevant Census Output Area) are not excluded from the assessment, a buffer of 50m has been applied to the COAs with over 25% HMOs, an example can be seen in **map 2**.

Map 2 ↗  
Stage 1 Example Assessment Map (August 2012)  
City wide mapping for Stage 1 assessments will updated on a twice yearly basis and will be made available online [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)

Flow Chart 2  
The threshold assessment that will form the basis for planning decisions in Bath is set out in this flowchart



4.0  
Threshold Assessment for Planning Applications

4.2  
Stage 2

A Stage 2 assessment will only be undertaken where a Stage 1 assessment has shown that the application property is within a Census Output Area (COA) or its buffer that has over 25% density of HMOs.

The 100m radius of the application property is calculated using a buffer zone surrounding the application property from a central point in the property, as defined by the Local Land and Property Gazetteer (LLPG). For properties on the edge of the 100 metre radius buffer zone, they will be included only if their central point (as defined by LLPG) is within the buffer zone. This is demonstrated in map 3.

Page 38

Map 3  
Stage 2 Example Assessment

- Legend
- Example property
  - Included properties
  - 100m buffer



Maps are reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office  
© Crown copyright and may lead to prosecution or civic proceedings. Licence number 100023334

5.0  
Monitoring

Changes in HMO numbers will be continually monitored and maps will be updated on a twice yearly basis (on 1st of July and 1st December each year), which will identify any changes in the HMO density in "hot-spot" areas (as defined in Stage 1).

A key aspect of monitoring will be to look at possible displacement effects within or beyond the Article 4 area. It is possible, that there will be some displacement to other parts of the city of Bath.

6.0  
Submission Requirements for Applicants

The Local Planning Authority is not currently able to charge a planning application fee for a change of use application from a Dwellinghouse (C3) to a House in Multiple Occupation (C4). For a change of use application the normal 8 week determination period will apply, and the following will be required:

- Application Form
- Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries and any car parking (if on site)
- Design and Access Statement

Within the Design and Access Statement, in addition to requirements set out elsewhere, we would expect the applicant to cover

- Waste and recycling
- Bicycle parking
- Room size and layout
- External amenity space
- Drying space

In some cases specific additional requirements may be triggered as a result of assessing your application.

NB Where building work and/or development that requires planning permission is also proposed to be undertaken, normal submission requirements for a planning application apply and a standard fee will be charged.

For more detail about submitting planning applications see our website [www.bathnes.gov.uk](http://www.bathnes.gov.uk)

7.0  
Other considerations

The Council also operates licencing schemes for HMOs in Bath. In addition to the current Mandatory HMO licensing, the Council is current considering introducing an Additional Licensing scheme for HMOs with shared facilities, in and around the wards of Oldfield, Westmoreland and Widcombe.

For more informaton, see [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)





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### Schedule of Proposed Changes to the Houses in Multiple Occupation SPD (June 2013)

#### Cover

- Update “Consultation Draft September 2012” to “Adoption Version June 2013”

#### Inside Cover

- Update consultation email address “hmo\_spd@bathnes.gov.uk ” with “planning\_policy@bathnes.gov.uk ”

#### Section 1.1 (Page 3)

- Para 1 & 3: amend for accuracy ‘Houses *of* Multiple Occupation’ to ‘Houses *in* Multiple Occupation’
- Delete footnote 1- now obsolete
- Add to end of sentence para 3 for clarity “across the entire city of Bath.”

#### Section 1.2 (Page 3)

- Para 2, second bullet point amend for clarity to reflect Circular 08/2010: “Applications for change of use to large HMOs of more than 6 people, where there is a material change of use.”

#### Section 2.1 (Page 5)

- Para 1: amend for accuracy ‘Houses *of* Multiple Occupation’ to ‘Houses *in* Multiple Occupation’
- Para 1: amend grammar change ‘3’ to ‘three’
- Para 3: amend ‘Use Class (C4); an HMO with 3 or more people’ to ‘Use Class (C4); an HMO with between three and six people’ to accurately reflect the legislation.
- Para 3: amend ‘previous planning definition of 6 or more people living together (sui generis)’ to ‘previous planning definition of six or more people living together, where there is a material change of use, defined as a large HMO (sui generis)’ for clarification and to reflect Circular 08/2010.
- Para 4: delete “However,” from start of sentence, capitalise “in” and delete “for these circumstances” for grammatical reasons.
- Para 5: amend to make ‘Flow chart 1’ in bold

#### Flow Section 2.2 (Page 5)

- Para 1: Amend “Oldfield Park” to “Oldfield” to reflect correct ward name

#### Flow Chart 1 (Page 6)

- Replace with amended Flow Chart 1



## Flow Chart 1 (Page 7)

Flow Chart 1 label

- Add “and Communities and Local Government Circular 08/2010”

## Section 3.0 (Page 7)

- Blue box para 1: from ‘will not be’ to ‘will be unlikely to be’ to reflect the fact that other material considerations must also be considered.
- Blue box para 4: add final bullet point “Council Tax exempt student properties” to reflect text in 3.0
- Para 1 amend to add further detail: “A threshold of 25% has been proposed, based on a number of factors including local evidence (such as the statistics below), a consideration of the suitability of the housing stock and public transport corridors and existing levels of HMOs. The 25% threshold also reflects the key geographical areas of residents concern with HMOs.”
- Para 3: Add word “more” before “detailed analysis for clarification
- Para 3: Make “Stage 1” bold
- Para 4: Make “ Stage 2” bold
- Para 5: Simplify by replacing first sentence with “The following data will be used to map the areas with over 25% HMOs :”
- Para 5: Final bullet point amend add “or Planning Enforcement team after “Housing” for clarification
- Para 7: Add final sentence for clarification "A map displaying the most recent data will be made publicly available."
- Add new para 8:

### **“Larger Houses in Multiple Occupation**

An increase in the number of occupants of a dwelling house from 6 to 7 is identified as change of use as defined by the Use Class Order; therefore it is likely that planning permission will be required.”

## Flow Chart 2 (Page 8)

Amend Flow Chart 1 label

- Delete “An overview of the threshold approach” and replace with “The threshold assessment that will form the basis for planning decisions in Bath is set out in this flowchart”
- Delete para 1 as duplicating existing text

## Map 2 (Page 9)

- Replace map with latest map dated May 2012
- Amend Key Map 2 to delete “(incl 50m buffer)”
- Add Map Label for inset map: “**Map 2a** Close up inset to show how Map 2 is made up of the Super Output Area plus a 50 m buffer. Example properties both within the red areas on Map 2 are shown in blue.”
- Inset Legend amend typo changing ‘COAs with >25% HMC’ to ‘COAs with >25% HMOs’



## **Section 4.0 (Page 10)**

- Delete “August 2012” from Map 3 key

## **Section 6.0 (Page 11)**

- Para 1: Delete existing para 1 and replace with new text, for extra clarity

‘The Local Planning Authority is not currently able to charge a planning application fee for a change of use application from Dwellinghouse (C3) to House in Multiple Occupation (C4). For a change of use application, the normal 8 week determination period will apply, and the following will be required:

- Application Form
- Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries and any car parking (if on site).
- Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)
- Design and Access Statement

Within the Design & Access Statement, in addition to requirements set out elsewhere, we would expect the applicant to cover

- Waste and recycling
- Bicycle parking
- Room size and layout
- External amenity space
- Drying space

In some cases specific additional requirements may be triggered as a result of assessing your application.

NB Where building work and/or development that requires planning permission is also proposed to be undertaken, normal submission requirements for a planning application apply and a standard fee will be charged.

For more detail about submitting planning applications, see [www.bathnes.gov.uk](http://www.bathnes.gov.uk)

## **Section 7.0 (Page 11)**

- Update to reflect decision on Additional Licencing following the 12 June 2013 Cabinet meeting
- Change “Oldfield Park” to “Oldfield” to reflect correct ward name.



**Bath & North East  
Somerset Council**

# **Draft Houses in Multiple Occupation in Bath Supplementary Planning Document Consultation Report**

**May 2013**

A consultation poster with a dark blue background. On the left, the text 'Have your say!' is written in large, light blue, sans-serif font. Below it, in smaller white text, is 'We want your views on new planning and licencing controls over houses in multiple occupation (HMOs) within Bath'. At the bottom left, it says 'Find out more and respond online at [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)'. On the right side, there is a graphic of three terraced houses in orange, pink, and light blue, with a white line-art outline of a house's roof and chimneys behind them. At the bottom left of the poster is the Bath & North East Somerset Council logo. At the bottom right is the LDF logo, which consists of the letters 'L', 'D', and 'F' in white on a dark blue background, with the text 'Bath and North East Somerset Local Development Framework' below it.

**Have  
your say!**

We want your views on new planning and  
licencing controls over houses in multiple  
occupation (HMOs) within Bath

Find out more and respond online at  
[www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)

**Bath & North East  
Somerset Council**

**L D F**  
Bath and North East Somerset  
Local Development Framework

**Contents page**

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3	Public Consultation	4-5
4	Statement of Compliance with the Neighbourhood Planning Protocol	5
5	Summary of responses to the consultation	5
6	Council response to key issues raised in consultation comments	5-7

**Background documents**

**Annex A** Summary of draft SPD consultation responses

**Annex B** Draft SPD consultation responses in full

**Annex C** E-petition from Bath Spa and University of Bath Students Unions

**Annex D** Summary of Consultation Events on draft SPD and Additional Licencing Proposals

## 1. Earlier Consultation

- 1.1 Prior to the consultation on the draft Houses in Multiple Occupation SPD three previous stages of consultation were undertaken. These are summarised in **Table 1** below.

**Table 1: Summary of earlier consultation**

<b><i>Stakeholder workshop - feasibility</i></b>	<p>Early Stage consultation workshop with key stakeholders to explore options in relation to controls over HMOs (October 2011). The key feedback was:</p> <ul style="list-style-type: none"> <li>• Support for whole city Article 4 Direction and pursuing planning controls</li> <li>• Support for exploring Additional Licencing alongside Planning controls to address property management issues for existing HMOs</li> <li>• Support for maintaining existing management arrangements e.g. student community liaison and community helpline</li> </ul> <p>Full details of the consultation workshop can be found as part of the <a href="#">Article 4 Direction Feasibility Study</a> (Feb 2012)</p>
<b><i>Public consultation on Article 4 Direction for HMOs</i></b>	<p>Formal Regulatory Planning Consultation on the Article 4 Direction Notice (May – July 2013). The key feedback was:</p> <ul style="list-style-type: none"> <li>• A total of 359 written responses received</li> <li>• Only 6 objections to Article 4 Direction and 353 in support</li> <li>• Majority of respondents residents of Oldfield Park and Westmoreland</li> <li>• One request for a street to be exempted from the scheme (Lorne Road)</li> <li>• Objections received from the University of Bath &amp; Bath Spa Student Unions, the National Landlord Association, the Residential Landlord Association and three individuals.</li> </ul> <p>This consultation feedback was reported back to Cabinet in October 2012 <a href="#">in full</a> and is also available as <b>Annex D to this Report</b>.</p>
<b><i>Stakeholder workshop - policy proposals</i></b>	<p>A joint Housing &amp; Planning Stakeholder workshop was held in (July 2012) to explore the evidence base and explore potential policy options for inclusion in the Supplementary Planning Document on HMOs in Bath and an Additional Licencing scheme. The key feedback in relation to the planning elements was:</p> <ul style="list-style-type: none"> <li>• Support for two stage approach for applicants</li> <li>• Planning policy needs to be kept as simple as possible so that it is easy to understand – issues such as parking, waste and gardens are best dealt with using the other mechanisms (such as licencing)</li> <li>• 25% threshold considered locally appropriate given local evidence</li> </ul> <p>The findings of this stakeholder workshop were reported back to Cabinet in October 2012 <a href="#">in full</a></p>

### 2. Committee Meetings

- 2.1 The issue of planning controls for HMOs in Bath has been considered at the following committees to date:
- Planning, Transport, Environment Policy Scrutiny Panel Report - 6 December 2011
  - Development Control Committee – 14 March 2012
  - Cabinet Report - 14 March 2012
  - Planning, Transport, Environment Policy Scrutiny Panel Report - 8 October 2012
  - Cabinet - 10 October 2012
  - Housing and Major Projects Policy Development and Scrutiny Panel – 19 March 2013
- 2.2 Both opponents and supporters of the proposals have spoken at these committees. All of the minutes can be found on the democratic services webpage here: <http://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

### 3. Public consultation

- 3.1 A public consultation on the draft SPD was held between 18<sup>th</sup> October and 30<sup>th</sup> November 2012. This was a joint consultation with Housing who were also consulting on the draft proposals for an additional licencing scheme for HMOs in Bath.
- 3.2 During this period the following activities were undertaken:
- 3.3 **Notification** - A notification letter with information about the consultation and the events was issued prior to 18<sup>th</sup> October by email and letter. Hard copies of the SPD were also distributed on request and at events.
- 3.3 **Press Notice** – A press notice was issued that appeared in the Bath Chronicle on 18<sup>th</sup> October. This is a statutory requirement.
- 3.4 **Media** - A series of press releases were issued which were picked up in local media. Events were also advertised in local newsletters and in communications from Ward Councillors.
- 3.5 **Webpages** – [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)  
A specific webpage was set up to include a copy of the draft SPD, how to comment and details about the consultation events as well as other information including Frequently Asked Questions.

Unfortunately due to a technical issue the corporate consultation calendar which is externally hosted was not able to be updated to include this consultation. However, all other requirements were met.

- 3.6 **Hard copies in libraries and Council offices** - Hard copies of the Supplementary Planning Document and details of the consultation were made available in all libraries in the district and also in the Guildhall, Riverside and the Hollies.

- 3.7 **Local advertisement** - A postcard flyer and poster advertising the consultation events was distributed by hand to the venues for the events, public buildings, cafes and shops across South Bath, particular the vicinity of Oldfield, Widcombe and Westmoreland.
- 3.8 **Events** – A series of drop-in events were held and meetings attended to brief interested parties on the Supplementary Planning Document and the Additional Licencing Proposals. A full report of these events and the main issues raised at each is included as **Appendix E**.

#### 4. Statement of Compliance with the Neighbourhood Planning Protocol

- 4.1 In line with the SCI, a full schedule of comments together with a consultation report and statement of compliance is included here.
- 4.2 The key target groups focused on in this consultation were residents of Bath, in particular within the wards of Oldfield, Westmoreland and Widcombe. In addition additional efforts to communicate with estate agents and landlords were undertaken including the workshops and one to one meetings.
- 4.3 Care was also taken to consider impacts on equalities groups and information on the consultation was communicated directly to equalities representatives. The attendance of the Polish Community event in Oldfield Park facilitated communication of the issues to this community, many of whom will be HMO residents.

#### 5. Summary of responses to the consultation

- 5.1 A summary of consultation responses is included in **Appendix A** to this report.
- 5.2 A full record of the consultation comments received is included as **Appendix B** to this report. In addition to this an e-petition was submitted by the University of Bath & Bath Spa University Students' Unions, included in **Appendix D**.

#### 6. Council response to key issues raised in consultation comments

- 6.1 The four key issues raised in the consultation comments and the Council's response to these are summarised in **Table 2** below:

**Table 2: Summary of earlier consultation**

Issue	Discussion	Recommended response
<b>Issue 1:</b>  Proposed 25% threshold included in the SPD is too high/too low	<p>Many other Local Authorities have introduced a percentage threshold policy and this approach is seen to be sound. It also offers greater clarity to applicants and residents.</p> <p>The Council worked with Planning consultants Arup to consider a threshold of 20-25%.</p> <p>Both Arup and Officers recommended a 25%</p>	<p>Following consideration of the issues raised during the consultation, it is maintained that 25% is the appropriate threshold.</p> <p><b>Recommendation:</b>  <b>Proceed with the 25% threshold policy as per</b></p>

	<p>threshold was appropriate for Bath and this was consulted on in the SPD.</p> <p>This 25% threshold considers key factors such as:</p> <ul style="list-style-type: none"> <li>- Existing numbers and concentrations of HMOs (e.g. a 10% threshold could not be sensibly applied in Bath given the numbers of HMOs in the City)</li> <li>- Suitability of the Housing Stock and public transport accessibility (accepting that the housing stock and public transport access is more favourable to supporting denser occupancy patterns in some areas)</li> <li>- Geographical areas where residents express concerns and where there are the highest numbers of HMOs are reflected in the mapping at 25% threshold. At 20% this is much more dispersed.</li> <li>- The updated SHMAA (2013) shows that HMOs do play an important role in the Housing stock. However, setting a threshold too low would not be advised as this could exacerbate housing affordability issues.</li> <li>- Evidence from recent appeals shows that threshold policies have stood up at appeal</li> </ul> <p>Consultation comments from some residents felt that a lower percentage would be favourable but there was no consensus for what a lower percentage should be or why.</p> <p>The University of Bath suggested a higher percentage of 30% should be considered with an even higher percentage on key public transport routes.</p>	<p><b>the draft SPD.</b></p>
<p><b>Issue 2:</b></p> <p>Request to exempt streets or areas from the Article 4 Direction/SPD</p>	<p>A few local authorities (e.g. Exeter) have exempted streets with very high concentrations of HMOs from their policy. This has been in response to residents' concerns that their property would be blighted, such that they are unable to sell.</p> <p>Such streets/areas will in effect become 100 %</p>	<p>Following consideration of the consultation comments it is still not considered favourable to exempt any streets from inclusion in the SPD. The Article 4 Direction area has already been determined and</p>

## Appendix C

	<p>HMO use over time.</p> <p>Residents of Lorne Road, which now has only a few owner occupied properties have requested such an exemption.</p> <p>The University of Bath has also suggested that streets on key public transport corridors should be exempted so that proportion of HMOs on these streets could continue unchecked.</p> <p>To date no exemptions are proposed. It is not considered favourable to allow some streets to have unchecked growth in HMOs as this is likely to lead to 100% HMO concentrations over time.</p> <p>Given the strong demand for family housing in Bath it is not considered that such blight would occur, as other Cities are not seen to be comparable.</p> <p>Residents can make a case to the Local Planning Authority as part of a planning application if they are not able to sell their property, this would be a material consideration in the determination of the planning application.</p>	<p>advertised so this cannot readily be altered.</p> <p><b>Recommendation: No streets are exempted from the policy</b></p>
<p><b>Issue 3:</b></p> <p>Data on HMOs</p>	<p>Queries have been raised by landlords groups about the Council's data on HMOS.</p> <p>The Local Authority has been working with other service areas in particular Housing to ensure that there is a protocol for HMO data management.</p> <p>Implementation of the Additional Licencing scheme in the three key wards (Widcombe, Oldfield and Westmoreland) will also assist.</p> <p>Dialogue with other authorities has demonstrated that similar datasets are being used elsewhere with success.</p>	<p>It is considered that the data on HMOS is sound</p> <p><b>Recommendation: New data protocol to be established to manage HMO data between Planning &amp; Housing services</b></p>
<p><b>Issue 4</b></p> <p>Simplification of the submission requirements</p>	<p>It has been suggested that the submission requirements for applications of this type could be further simplified.</p> <p>Further investigation has identified that such simplification is possible.</p>	<p><b>Recommendation: Simplified submission requirements are proposed</b></p>

### Annex A: Summary of draft SPD consultation responses

#### Support

Supports the Council's planning proposals 21

Magdalen Ave in Lyncombe should be included

One resident supports the planning proposals but considers there are also issues associated with living close to student halls of residents which should be considered if encouraging this type of residence as an alternative.

The **Bear Flat Association** support the planning proposals and commend the Council for tackling the issue proactively in Bath and agree that the issue needs to be considered on a city-wide basis.

The **Federation of Bath Residents' Associations** expresses the opposition to the planning policy from the Student Unions who are affiliate members. The Student Unions objections are as follows:

- Students should be allowed to choose where to live
- There are already a range of sanctions and projects to ensure students are good neighbours
- This will not solve the issue of existing HMO concentrations
- This policy may increase rents for students, and increase the number of HMOs not on University bus routes. Concerns that the proposals will also decrease house values in the areas subject to Article 4.
- HMOs are also needed by young and low income workers
- The policy will be costly to the Council and the funds could be better used.
- The policy has been unsuccessful in other University towns.

On balance, FoBRA supports the Council's proposals.

**Widcombe Association** support the Council's planning proposals.

#### Object

Supports lower threshold x3

Supports a 20% threshold rather than a 25%. x4

Threshold should be reduced to 10%. x2

Supports a reduced threshold of 15%. x2

Consider that the threshold should be reduced to 15 or 20%. X1

Consider that the threshold should be reduced to 20%. x3

Consider that the threshold should be reduced to 17%. x2

Consider that the threshold should be reduced to 10 or 15%. X1

Supports a reduced threshold of 10%. X1

Supports a lower 9% threshold. X1

**Bath Chamber of Commerce** has a number of concerns about greater regulation of HMO in Bath and encourages the Council to reject the proposal and look at other methods of achieving the same aims. Key concern is the supply of affordable and



suitable accommodation for young people within reach of the city centre jobs market. Conflicts with campaign to seek higher graduate retention in Bath, the principle reason many young people move away is the cost of housing. HMO accommodation will be the only affordable option for many young people in Bath.'

**Stowey Sutton Parish Council** feel that at a time when B&NES is under pressure to provide more housing units it would be a negative move to restrict housing provision.

**Conservative Group** supports the measures. However, **Cllr Geoff Ward** has some concerns about the implementation of the proposals.

- Article 4 will not tackle the existing issues which typify problems with HMO (anti-social behaviour, unkempt gardens, refuse and car parking).
- In time the Article 4 will cause HMO to spread throughout the city – causing complaints in new residential areas.
- Resources should go into assisting provision of extra student purpose built accommodation.
- The Article 4 will create an initial increase in HMO conversions in the most affected areas before it can be brought in.
- Owner occupiers will see a reduction in the value of their houses after the Article 4 comes in as buy to let investors will no longer be able to purchase properties.
- Article 4 causes a significant additional burden on the Planning Department at a time of cutbacks and pressure on the department. This will also lead to additional work for the Planning Committee.
- As it is not retrospective and will not lead to pre-existing HMO converting back to family homes.

Cllr Ward recommends:

- An increase in resources to help the Planning Department cope with the increased planning applications that will be generated.
- Focus within the Core Strategy on providing purpose built student accommodation

**Bath Spa University** responded on behalf of the University community.

- Concern that the consultation on the SPD was shorter and launched after the additional licencing consultation.
- Query that the SPD refers to a wide range of groups who live in HMO yet the statistics included relate only to students.
- It is not clear whether the SPD is to cover the whole of Bath & NE Somerset or just the three wards of the licencing scheme. If it is just the three wards we wish to convey our disappointment at the Council's discrimination by selecting wards with high student populations only.
- It would be useful to see how the thresholds compare to other cities where this has been introduced. We would be concerned if this was far more stringent than other cities.

**University of Bath** consider that the Council has not justified the exceptional circumstances that warrant and allow the imposition of an Article 4 Direction and seriously consider the implications for the city's housing market and local economy. The University considers that there are more appropriate remedies to deal with problems arising from concentrations of HMOs (including the proposed additional licencing which the University supports).

The University agrees that if the Article 4 Direction is made that the SPD is a necessary tool. They question the proposed threshold of 25% which they consider too low, as

HMOs are an essential source of housing for young people which include young graduates, young professionals, key workers, contract workers as well as students. A limitation on the supply of HMOs will force young people to live away from primary bus routes and services and facilities. The University considers that a threshold of 30% would be appropriate and that specific streets adjoining key student bus routes be exempted.

### **Resident proposing exemption of Lorne Road**

The planning proposals will not help those who are already victim significant levels of studentification. Believe that 88% of Lorne Road is HMO, and consider that the proposals will make it very difficult to sell the remaining family homes on the street as planning permission to convert to an HMO would not be granted.

The purpose of the Article 4 is to protect the character of the area changing, and future HMOs on the street would do little to change this as it already has this character.

Remain concerned about their ability to sell their house at market price. Request that Lorne Road be exempted from the Council's policy due to the existing high concentration of HMO.

Resident objects to Article 4 direction and believe it will cost the Council money but be ineffective. Believe there will be some undesirable consequences of the Article 4, namely:

- Fall in value of properties which can no longer be converted into HMO and the creation of a two tier property market.
- Preventing re-conversion back to family houses

One resident would like to see permitted development rights for HMO to be removed. Concern about subdividing homes into flats.

The **University of Bath and Bath Spa University Student Unions** have led a petition against the planning controls over the future growth of HMOs which has gathered 651 signatures.

The **National Landlord Association** continues to object to the Council's planning proposals to control the future growth of HMOs in Bath. Key objections made are as follows:

- Additional Licencing Impact should be considered first before planning controls.
- The creation of a small HMO does not necessarily constitute a material change of use.
- The Article 4 Direction will mean it is not possible for landlords to respond to housing demand.

One resident objects to the Council's planning proposals to curb future growth of HMO in Bath. Considers that the proposals discriminate against students and will increase the costs to students and result in students living in areas with poor transport links to the Universities.

One resident believes that the planning proposals will:

- Decrease the value of non HMOs
- Will this lead to issues in other parts of the city.
- This will be costly to the Council as planning applications cannot be charged a fee
- Some HMO properties will require confidentiality e.g. women's refuges

Residential Landlords Association object to the Council's planning controls in relation to HMOs.

Their key objections are as follows:

- The Council is failing to acknowledge the need for this kind of accommodation in the City and needs to consider this in the Strategic Housing Market Assessment
- The Council does not consider where the displacement of HMOs will be in the City and the appropriateness of various property types in other parts of the City to be converted into an HMO.
- The Article 4 Direction is not justified

Specific comments on the SPD

- We can see no justification for the introduction of the so called buffer some which is arbitrary in its nature.
- Because of the small size in population terms of census output areas (as opposed to super output areas) the two legs of the test are repetitive.
- There is no clear and objective justification of how the 25% figure has been arrived at and why the starting point of 18% (supposedly representing the number of students) is a justified figure to impose.
- Likewise, there is no justification of the 100 metre figure which is being applied.
- In terms of stage 1 there is reference to "about 25%". What does this mean? Does it mean that 23% is not acceptable or 21%?

Question the use of Council Tax Exemption data as base data for HMOs. Without this data consider that the data that is held is limited and potential inaccurate.

Consider that streets with very high concentrations of HMOs may need to be exempted as owner occupiers will be unable to sell.

Question data reliability.

Preserved Rights to encourage flipping of existing HMOs to family houses and back again would like to be seen to encourage flexibility of rental tenure.

Annex B Draft SPD consultation responses in full

Respondent name	Response
Cllr Will Sandry, Oldfield Park Ward	<p>I write in support of the proposals contained in the draft SPD. I am very much aware that many members of the community feel that 25% as a maximum percentage of HMOs in some areas is too high. The significance being that 25% of homes being used as an HMO will house 50% of the adults in that community, increasing the pressures on community cohesion.</p> <p>Many feel that 20% or lower is a sensible and reasonable proportion of HMOs in a community.</p> <p>Kind regards,</p> <p>Will.</p> <p>Cllr Will Sandry</p>
Vince Baughan, Resident	<p>Dear Sirs,</p> <p>RE : HMOs and additional licensing</p> <p>I object to the extension of licensing of HMOs on the following grounds:</p> <p>In summary</p> <p>It shifts enforcement responsibility from the council to the landlords.</p> <p>It interferes in the commercial relationship between the landlord and the tenant.</p> <p>It introduces duplicate, and possibly contradictory, safety regulations.</p> <p>It will cause rents to rise.</p> <p>It will give more HMOs over to the student market, from the young workers' market.</p> <p>In detail</p> <p>Waste management is the responsibility of the individual tenants. Enforcement of waste management is the responsibility of the council. There is no relation between the landlord and the council with respect to waste management. Where waste management rules are not observed by individual tenants, the council should step in and address the problem with the tenant, not with the landlord.</p>

Most people under 50 who own a house have a mortgage on the property, and they are effectively part-tenant to the mortgage lender. I cannot see the council approaching a Santander, because a home owner hasn't got a recycling bin.

The council can serve enforcement notices on houses with untidy front gardens, whether the garden is of an owner-occupier, or a tenant. Again, enforcement is the responsibility of the council, and the state of the front garden is the responsibility of the individual resident, not the landlord. When tenants sign a tenancy agreement, it is reasonable for them to insist that the garden is made tidy before they move in. That is part of the relationship between the landlord and the tenant. However, once the tenants have moved in, the front garden is the tenants' responsibility. Therefore, problems with that garden must be addressed to the tenants, not the landlord.

It is claimed that licensing HMOs will improve the maintenance of HMO properties. However, this is part of the relationship between the landlord and tenant. If a landlord refuses to maintain a house, the tenant can move. The council should not interfere in that relationship.

There are already building regulations, which landlords of HMOs must observe, or face the legal consequences. There are examples of HMO licence inspectors entering HMO properties, and insisting on things, that already conform to building regulations, being changed. In one case, the change contradicted the building regulation. Therefore, it introduces a level of unnecessary bureaucracy.

HMOs provide necessary, low-cost accommodation in Bath, a city with highly inflated housing costs. Any extra cost imposed on landlords will be passed on to the tenants, with the possible effect of pricing them out of the Bath property market.

This extension to HMO licensing may be "cost neutral", but it costs hundreds of pounds for the licence, and potentially unlimited costs for maintenance issues that the HMO licensing authority considers "essential". So, it is "cost neutral" to the council, but not to the landlord.

Housing is expensive in Bath. Any action by the council to cause a further increase, outside market forces, will further increase the dearth of a young working population, who currently find housing prohibitively expensive.

In conclusion

The extension to licensing will not make the tenants of HMOs behave more considerately.

It will increase HMO rents.

It will give over more HMO tenancies to student occupation, for which property pricing is not as critical as it is for a young working population.

	<p>Statistically, students behave less considerately than workers, because the working conditions of a student are more flexible than for someone in work, and so late nights and parties have a lesser impact on their working day. Students typically only live in one place for nine months, and therefore don't feel the need to integrate with the neighbours.</p> <p>Please bear these objections in mind when considering extending HMO licensing.</p> <p>Yours faithfully</p> <p>Vince Baughan</p>
Victoria Lambourne. Resident	<p>To whom it may concern.</p> <p>I absolutely agree with what the council is trying to do with regards HMO's, and exerting greater planning controls. University places in the city have increased considerably over the last 10 years and not enough accommodation is provided on either campus.</p> <p>Oldfield Park and Westmoreland are dominating by HMO's and the Universities and council must not lose sight that these two areas are populated by families, in particular ones with young families and an older population who have always lived here. These citizens should be able to live without the problems of increasing noise, litter pollution, and general disrespect for properties that are not owned by those living there.</p> <p>I live in Bellotts Road and we successfully fought a private application to build a 34 room block for students at the top of our road opposite a cemetery earlier in the year. If this application had gone ahead, then I know a number of families would have sold and moved elsewhere thus perhaps enabling those houses to be turned into HMO's.</p> <p>We as residents of Bath, and in particular Oldfield Park, love our city and should not be forced out due to what is in effect becoming a student ghetto.</p>
Ian Bell, Bath Chamber of Commerce	<p>Dear David,</p> <p>This time last year I wrote to you on behalf of members of Bath Chamber of Commerce and the Initiative in B&amp;NES to express anxiety about a Council proposal to impose additional regulations on Houses of Multiple Occupancy. Since then our members, who have a range of points of view, have discussed the matter at greater length and reached a number of conclusions which I hope you will consider when coming to a final decision.</p> <p>We perfectly understand the issues generated by a high density of HMOs, such as noise disturbances and parking difficulties which have an impact on neighbours. However, it is our opinion that remedies exist within current legislation and there is no need to impose further red tape to achieve the end desired. In fact there is a real risk that the law</p>

	<p>of unintended consequences may apply and the costs could outweigh the benefits.</p> <p>Equally, we would not for a moment wish to defend poor landlords and it would be no bad thing if standards were to be improved. But we are concerned that the proposals would not necessarily deliver that outcome.</p> <p>Our key concern revolves around the supply of affordable and suitable accommodation for young people relatively close to the city centre, where most of the jobs exist now and will continue to do so in the future.</p> <p>Whilst residents may see this as an issue about students, for us it is about the supply of accommodation for young working people, who are absolutely vital for the future health of the local economy.</p> <p>We are conscious that the demography of Bath indicates we have 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.</p> <p>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.</p> <p>Our fear is that extra regulation may discourage investors and therefore reduce the essential increase in housing supply, or even worse, diminish existing stock, with a consequent increase in price and a potential exodus of young talent – the very opposite of what we need for the long term success of our community.</p> <p>We would encourage the Council to reject the current proposal and instead to look at other methods of achieving the desired ends without damaging the local economy.</p> <p>Yours sincerely, Ian Bell Executive Director</p>
Timothy Cantell, Bear Flat Association	<p>The Bear Flat Association supports in principle the regulation of HMOs through an Article 4 Direction.</p> <p>We commend the Council for tackling the issue pro-actively for Bath and we agree that the issue needs to be thought about on a city-wide basis.</p> <p>We hope that the Article 4 Direction can be brought in promptly.</p> <p>Timothy Cantell</p>
The Coal Authority	<p>Dear David</p> <p>Thank you for consulting The Coal Authority on the above.</p> <p>Having reviewed your document, I confirm that we have no specific</p>

	<p>comments to make on this document at this stage.</p> <p>We look forward to receiving your emerging planning policy related documents; preferably in an electronic format. For your information, we can receive documents via our generic email address <a href="mailto:planningconsultation@coal.gov.uk">planningconsultation@coal.gov.uk</a>, on a CD/DVD, or a simple hyperlink which is emailed to our generic email address and links to the document on your website.</p> <p>Alternatively, please mark all paper consultation documents and correspondence for the attention of Planning and Local Authority Liaison.</p> <p>Should you require any assistance please contact a member of Planning and Local Authority Liaison at The Coal Authority on our direct line (01623 637 119).</p> <p>Regards</p> <p><b><i>Claire Streather</i></b>  <b><i>Admin Officer</i></b>  <b>Planning and Local Authority Liaison</b>  <b>The Coal Authority</b></p>
Stowey Sutton Parish Council	<p>Dear Sirs,</p> <p>Thank you for your email of the 18 October. This matter was discussed at our meeting on the 7 November. Please see below an extract of the minutes which gives our views on the proposal.</p> <p style="padding-left: 40px;">B&amp;NES has consulted on its Draft Houses in Multiple Occupancy guidance. They have concerns over the number of properties occupied by students within Bath and propose licensing new houses in multiple occupancy and limiting these to 25% of the properties in an area. We feel that, at a time when B&amp;NES is under pressure to provide more housing units, this would be a negative move. It would be better to give more thought to how and where such housing should be accommodated rather than restricting it.</p> <p>Kind regards,</p> <p>Sue Heathman Clerk</p>
Michael Smith, Resident	<p>Dear Sir/Madam</p> <p>I am very much in favour of the Council bringing in planning control proposals (Article 4 Direction) which will mean permission will be needed to change family homes in a small house into Multiple</p>



	<p>Occupation (HMOs) in 2013.</p> <p>As a long standing resident in Oldfield Park, I have seen a dramatic decline, especially within my own street where up to 50% of the houses are let as HMOs. This has led to a social imbalance and mix of the area and led to young families being "pushed out".</p> <p>Any proposals which restrict further the concentration of student housing within the areas concerned dominated by HMOs will be a good thing, and may gradually see areas like Oldfield Park return to family homes.</p> <p>Yours faithfully</p> <p>Michael Smith</p>
Bristol City Council	<p>Dear Ms Newcombe-Jones</p> <p><b>Houses in Multiple Occupation in Bath Supplementary Planning Document Consultation Draft and Sustainability Appraisal Screening Report</b></p> <p>Thank you for the opportunity to comment on the draft HMO SPD and associated SA Screening Report.</p> <p>I can confirm that Bristol Council have no comments to make on either document.</p> <p>Yours sincerely</p> <p>Simon Fletcher Strategic Planning Neighbourhoods and City Development Bristol City Council</p>
Cllr Geoff Ward	<p>BATH AND NORTHEAST SOMERSET HMO CONTROL INITIATIVE</p> <p>By Councillor Geoff Ward FCIEH</p> <p>These comments are based on discussions with professional colleagues from the CIEH and from Officers with experience of dealing with HMO challenges in University Cities.</p> <p>I and the Conservative Group, support measures to control the proliferation of HMOs within the city of Bath. However, I do have several concerns about the implementation of the Council's proposals and the unintended consequences which could result.</p> <p>My concerns are as follows:</p> <p><u>Article 4</u></p>

1. The Article 4 will do little to control the conditions which typify the HMO issues, namely: car parking, noise, anti-social behaviour, unkempt gardens, non-recycling of waste, street and garden litter, miscellaneous items left/ stored in gardens/ yards etc. It will also not deal with the health, hygiene and safety conditions which HMOs commonly cause.

2. In time the Article 4 will spread HMOs throughout the City, increasing the number of HMOs in many parts of the city, causing potential complaints from the resident community in areas not currently experiencing issues.

3. Article 4 will not choke off demand. Growth of Universities creates the demand and resources might better be put into working with our Universities to support them in providing more dedicated student accommodation whether on-site or not. This has proven successful in other University cities. A look at the increase in dedicated student accommodation in Bristol, for example, demonstrates the popularity and success of this. Demand will be in areas where properties are cost effective for buy to let and on transport routes. It would be possible to predict where this is likely to be and work should be done in this in order to avoid the exporting the problem to other parts of the City.

4. Blanket Article 4 across Bath will result initially in further growth in HMOs in the 3 already challenged Wards making matters worse as landlords rush to buy properties and convert them before the Article 4 start date.

5. The result after the start date of Article 4 is likely to be the blighting of owner occupied houses in the challenged Wards as few would wish to easily buy in an area of high density of HMOs. The unintended consequence is that owner occupiers are likely to see a reduction in the values of their houses and they find it more difficult to sell, with buy-to-let purchasers being unable to purchase in the HMO high density Wards and families less willing to purchase a home in an area with a high concentration of HMOs. This will prompt a potential flood of sales before the commencement date as detailed before, whilst making house sales after this date much harder

6. The Article 4 will result in an unquantifiable cost to the Council at a time of severe cutbacks and pressure on the department. Oxford has experience between 30 and 40 planning applications in the 9 months since their scheme commenced. Such a rate if it occurred in Bath might constitute a significant additional burden on the Planning department, especially if it is coupled both administratively and technically with Additional Licensing. If no additional resources are put into the department to deal with the increased planning applications, this could have a detrimental impact on the department's ability to deal with Planning applications and enforcement issues in a timely manner.

7. Many of the planning applications for HMOs in residential areas throughout the City (i.e. not within the 3 most affected Wards) are

likely to be objected to, adding to the administrative burden and use of Officer and Councillors time. There might be an increase of such applications ending up at the Development Control Committee. This might in turn slow up other planning applications and cause delays in the statutory process for progressing all applications.

8. Applications from those wishing to establish HMOs outside of the challenged Wards which are likely to be approved are put to administrative and cost burden in respect to the application. The need for plans and use of legal, technical and other advisors, when the application is to be approved in any case seems a unnecessary bureaucratic and cost burden which might attract criticism on the Authority at a time of ongoing economic challenge.

9. An Article 4 Direction does not act retrospectively, and so will not result in pre-existing HMOs returning to owner-occupiers. I have received comments that some Authorities have accepted that in some areas of their City with high density of HMOs the game is somewhat already lost as Article 4 cannot redress the pre-existing imbalance. They suggest informally that such communities are impossible to repair with enforcement the only option.

#### On Special Licensing:

Where it is implemented, this measure is likely to result in a significant overall improvement in the conditions that residents complain about in respect to living adjacent to HMOs. Oxford City Council reports significantly less complaints from residents and also from parents of students upon taking up occupation when starting back at University. However, I have grave concerns about the ending of the city-wide voluntary scheme when the compulsory scheme is to be limited to a small area. This will leave many HMOs with no licencing at all. This seems a particularly retrograde step when the implementation of the Article 4 Direction is likely to spread HMOs throughout a larger part of the city.

2. Licensing can be achieved on a cost recovery basis, reducing the cost to the Authority. There is a need to be clear about all the costs involved if we are not to increase resource burden on the Authority. Oxford charge £375 for a 3 occupant HMO and more for higher occupancy HMOs. Licensing is required annually resulting in an annual inspection and tight control. Inspection can though lead to potential costly schedule of works and the overall effect likely to lead to significant avoidance, increasing the need for surveillance and enforcement.

3. The initial burden on our Authority is likely to be considerable both administratively and technically. Oxford has experienced over 1000 applications within the first year of operation. They have dealt with this in-house. Our Authority will have to contract the inspection element out which might push costs higher, resulting in what might be considered a prohibitive license fee. Our Authority must make the investment in resources before the outset of licensing. It needs to be

recognised that initial estimates of HMOs within the Wards where licensing is suggested might be wildly underestimated.

4. The idea of annual licensing is a sound one if effective control is to be maintained on an ongoing basis. No student group will stay for 5 years and its the personality, group dynamics and attitudes that will chance and lead to the complaint issues encountered is likely to change biannually if not annually. Another factor supporting annual licensing is the need for ongoing revenue to support the scheme. If all the revenue is in the first year or two as the scheme starts, then it is likely the latter years administrative costs will fall on the Authority.

4. There is likely to be many unintended consequences from additional licensing. At the level of 3 persons sharing, an owner occupier with 2 lodgers, wrestling to pay their mortgage is likely to come under the HMO definition and be unnecessarily financially burdened by the license fee. Such a person is likely to share common facilities but have a vested interest in maintaining standards. This is different that the classic HMO where no one has that responsibility. Such person who have found their way on to the housing ownership ladder (especially challenging for first time buyers these days) might find the fee and any schedule of works resulting from inspection prohibitive and something that tips the balance from continuing in home ownership. Such persons should be specifically excluded from the scheme.

5. Licensing will inevitably be passed on in student rents. This might have effect, in time, average rents and potentially the desirability of our Universities. For this reason there is likely to be sensitivity to pricing. Such sensitivity might lead to underestimation of the cost involved resulting in the Authority absorbing costs it should pass on.

6. High rents are not good in the current economic climate. It might result in an increase in overall rents to already challenged families or low paid workers. This could cause the unintended consequence of local businesses finding it even harder to find essential workers.

7. It should also be recognised that this measure inevitably puts a burden on all the good landlords that manage their properties and tenants well and do not cause any issues to neighbours. It does seem a pity in these tough economic times to cause business extra burdens and is at odds with the Government's efforts to reduce "red tape". I am personally not against it as an effective control measure for HMOs but favour as you know of targeting, risk assessment and enforcement of the bad landlords rather than these blanket measures.

#### Recommendations:

- Make the creation of new dedicated student accommodation a higher priority within the Core Strategy, and work urgently with the Universities and other bodies such as Unite to deliver a significant increase in the number of student flats, looking firstly at sites on-campus but also at

	<p>appropriate sites within the city which could be redeveloped, such as older office buildings.</p> <ul style="list-style-type: none"> <li>• Look carefully at the results and consequences of the initiatives currently being run other University Authorities so we can be clearer about unintended consequences and avoid them.</li> <li>• Implement the compulsory Licensing across the whole of Bath, ensuring all effort is put on control and enforcement.</li> <li>• Put resources into annual licensing (at a lower fee if we have to have it) and enforcement in the 3 challenged Wards. The local HMO “action area” will do more to sort out the issues focussing on the problems and problem areas and avoiding many of the issues above. This will minimise the impact on our Authorities resources.</li> <li>• Consider an increase in resources for the Planning department to help cope with the increased number of planning applications which will result from the Article 4 Direction.</li> </ul> <p>Cllr Geoff Ward 29 Nov 12</p>
Shaun McGall, Resident	<p>To whom it may concern,</p> <p>I welcome the Council's long over due intent to implement an Article 4 Direction for the entire city of Bath on 1st July 2013.</p> <p>The need to obtain planning permission when changing the use of a family house to a small House in Multiple Occupation is needed across all of Bath.</p> <p>Unfortunately, however this is some 20 year too late, but at least the Council is taking this step now.</p> <p>From what I can see the criteria on the SPD are balanced and will allow for sustainable balance communities to be maintained or enhanced, and for the city to still accommodate two very successful and popular universities.</p> <p>Regards, Shaun McGall</p>
Sam Baldwin, Resident	<p>Hi</p> <p>I am not sure I will be able to make it to a consultation so have enclosed my thoughts here.</p> <p>I think that the % should definately be less than 25%, and would prefer a smaller number for a healthy and vibrant community that will benefit all and not continue the transformation of Oldfield Park into a student ghetto.</p> <p>Obviously students are vital to social and economic development, and students along with everyone else need housing. However there are</p>

already too high a proportion of HMOs in Oldfield Park, and this is impacting on the community in several negative ways.

I feel that it is starting to erode community, and the area has started to tip towards a purely student environment.

When our neighbours with children left, when elderly neighbours have died, each time the house is bought up by commercial landlords. Cramming as many bedrooms as is possible into a building and environment designed for much fewer people. This puts undue stress on local services - rubbish collection, and parking would be the most obvious examples.

Each year rubbish on the streets and rodent problems get worse. Not all students are messy, but for many reasons multiple occupancy housing produces more waste, and often manages it less effectively. For example next door to us the garden is a permanent mess, full of rubbish, which blows into our garden (and they even begun to pee in the garden). Obviously this is very unpleasant, and more importantly a health risk, badly managed waste attracts rats. There is the additional issue that at the end of term piles of stuff is "dumped" outside by landlords.

Parking: There has been discussion about introducing permit parking in the area. We only have a problem parking in term time, so permit parking would not solve the issue, controlling the number of HMOs would. In many HMOs each resident has their own car. I often can't park anywhere near our home, which can be tricky at times with a young child and shopping.

One other issue is the effect on local businesses. High student density housing areas are known to attract takeaway food shops. The variety of other shops and services then reduces, as these temporary residents leave outside term time. It becomes harder for local businesses to survive without regular custom. The tendency will increase towards takeaways etc. This makes the area less attractive to a wider community who benefit from a range of shops and facilities. It also reduces other benefits of a more stable community, I am not against students being here but this community is special, there are few other areas like this in Bath and it will be lost unless something is urgently done.

Permanent residents are more likely to be aware of neighbours and provide mutual support which can impact massively on the wellbeing of older residents as well as children and everyone else. This mix promotes social cohesion, and reduces strain on social services. There will be research on this but unfortunately i don't have the time right now to root it out.

There can be a tendency for students not to view their term address as home. They may not feel part of the community, despite living in it. As there is a higher and higher proportion in an area, this decreases the amount of residents that are likely to be involved in local issues and

	<p>maintaining that sense community. We know that there is an immeasurable social benefit from living in a more cohesive community, where people recognise each other in the street, and know the elderly or vulnerable neighbour. This reduces social isolation and arguably saves social care costs and lives.</p> <p>This is what planning laws are for, to look at the needs of a community, its resources and its stresses on services and infrastructure. Limiting the proportion of HMOs would be beneficial to all including the students that live in that area.</p> <p>We are now the only family in our block.</p> <p>If things continue as they have despite loving our home, we feel we should move.</p> <p>If we do, I am sure that a commercial landlord would happy convert our home to HMO.</p> <p>Please do something to limit the number of HMOs in any one area, beyond what it can effectively manage while remaining a vibrant living community, so that it does not become one more, huge student hall.</p> <p>Thanks Sam</p>
Robin Kerr, Federation of Bath Residents' Associations	<p>Dear Planning Policy,</p> <p>This email states the views of the Federation of Bath Residents' Associations (FoBRA) on your proposed Supplementary Planning Document (SPD) for Article 4 Direction of the location of Houses in Multiple Occupation in Bath. We have (a) read the draft SPD and attended one of the drop-in sessions which you held about it; (b) debated it in Committee; and (c) discussed it with representatives of the two Student Unions, both of which are affiliate members of FoBRA. Although we have at present no member associations in Oldfield Park, Westmoreland or Twerton, we have some on the edges, and also in Widcombe. In any case, the issues of community nature and affordable housing reduction affect us all.</p> <p>The Student Unions have eloquently expressed opposition to the proposed policy as follows:</p> <ol style="list-style-type: none"> <li>1. Students are adults and so should be allowed to choose where to live. They are perfectly legitimate members of Bath's population who bring considerable income to Bath and should be treated equally.</li> <li>2. Through the Student Community Partnership (SCP) they are taught to be considerate neighbours. There is a range of sanctions and remedial measures if some are not.</li> </ol>



	<ol style="list-style-type: none"> <li>3. This policy will do nothing to change the student concentrations which have built up.</li> <li>4. This policy will increase the rent demanded by landlords (= bad for students), decrease the convenience, as HMOs in future may not be able to be located so near the university bus routes (= bad for students again) and decrease house values in the areas subject to Art 4 Direction (= bad for owners).</li> <li>5. HMOs are needed just as much by young and low-income workers as by students so this policy may be bad for them too.</li> <li>6. This will cost the Council: they could use these funds more wisely.</li> <li>7. This policy has not proved successful in some other university towns where it has been tried.</li> </ol> <p>On balance, FoBRA full members reject these arguments, feeling (using the same numbering) that:</p> <ol style="list-style-type: none"> <li>1. Students may be adults but many of them live in Bath (and in most cases in HMOs) only part of the year, unlike full members of the population. Surely the universities should be trying harder to create student residences commensurate with their size, especially as Bath has one of the highest concentrations of students per head in the UK? In reality, provision of university-managed accommodation, whether on- or off-campus, has consistently fallen behind the historical increase in student numbers.</li> <li>2. Noted. There are still complaints (and some compliments!).</li> <li>3. Noted. This is the best that the legislation provides for, and embraces fairness to existing students and landlords too.</li> <li>4. Noted. The one about making omelettes springs to mind. Some reduction in house prices could be good for buyers.</li> <li>5. Possibly.</li> <li>6. The estimate is £58K annually – quite modest.</li> <li>7. True, but in others it seems to have been moderately successful.</li> </ol> <p>Accordingly, FoBRA has decided to support B&amp;NES' proposals.</p> <p><b>Robin Kerr</b></p>
Rob Oldfield, Resident	<p>I am writing to respond to the request for comments on the planned Article 4 direction. I have been a resident of Westmoreland ward since 1989 (just after I graduated from Bath University in fact) and have seen at first hand the increase in student numbers. Students can play a beneficial role in the mixture of population that make up a community but I do think that the numbers that are now present in Oldfield and Westmoreland have grown too large. To believe that roads where owner occupiers are in a tiny minority can possibly be a good thing is foolish. I would therefore urge you to put the proposed</p>

	<p>direction into place.</p> <p>Furthermore, I would also like to suggest that the threshold percentage is placed at 20% rather than 25%. I have read the report from the consultant where they make their case for 20% and that seems to me to make sense. The only explanations I have seen for altering this to 25% have come from Councillor Sharon Ball. On her web site it says "I am pleased that the council is using the figure of 25% to be consulted upon rather than the original proposals of 20% recommended by the consultants, I am told by the cabinet member that this is because of the content of student representations that are concerned about availability of accommodation and this level should create a fair balance." A fair balance for who? Given that the consultant is presumably expert in the matter and quotes national studies I have to say that I would tend to take that as more authoritative than the opinion of Councillor Ball and the Lib Dems. If they want to argue that 25% is "fairer" then let them do so, but it has been snuck in without consulting the people who the change will affect. There is plenty of space for the student population to disperse more fairly across all of Bath rather than the current situation where Westmoreland and Oldfield are in danger of becoming extensions of the campus. (See the information in the table "Total HMOs known to Housing Services and student exemptions by ward" in the "Houses in Multiple Occupation Evidence base for additional licensing" report.)</p> <p>Rob Oldfield</p>
Bath Spa University	<p>To Whom It May Concern:</p> <p>This is Bath Spa University's response to the HMO - draft Supplementary Planning Document consultation.</p> <p>The Council is asked to note that while this is one submission it does represent the wider community of the University.</p> <p><i>Houses in Multiple Occupancy in Bath – Supplementary Planning Document</i></p> <p><i>Bath Spa University response</i></p> <ul style="list-style-type: none"> <li>- <i>The University is disappointed that the Council chose to launch this consultation a month into the separate licensing scheme consultation. It does call into question the motives for a shorter and quieter launch.</i></li> <li>- <i>On page 5, section 2.2 the document refers to a "wide range of groups" who live in HMOs yet the statistics on page 7 only provide percentages for students. Again we question the motive of the document which at first glance appears to focus on only one set of occupants.</i></li> <li>- <i>The document is not clear on whether the SPD is to cover the whole of Bath and North East Somerset or match the three wards of the licensing scheme. If limited to the three wards, we</i></li> </ul>

	<p><i>wish to convey our disappointment of the Council's discrimination through selecting wards with high student populations only.</i></p> <p><i>- The University has not commented on the percentage and distance assessments (25%, 50m and 100m) in stages one and two however it would be useful for those commenting to have further information on how this compares to other cities where this has been introduced. We would be concerned if this is far more stringent than other cities.</i></p> <p>Kind regards</p> <p>Rob  <b>Rob Armstrong-Haworth BA(Hons), MA</b>  <b>Executive Officer to the Vice-Chancellor</b>  <b>Bath Spa University</b></p>
Richard Sampson, Resident	<p>I support the proposal to refuse permission for change of use from a formal home to HMOs in neighbourhoods with over 25 percent of the existing housing stock in use as HMOs.</p> <p>I would prefer the level to be even lower than 25 percent, my preferred level would be 20 percent.</p> <p>Richard Sampson</p>
Phil Dunning, Resident	<p>I agree that Bath has seen a significant increase in HMOs and private rented property over the last 10 years, with HMOs now being common residences for students, young people and many others. While they do play a significant role in the local housing market, in some areas of the city (such as the wards of Westmoreland, Oldfield Park and Widcombe) the high numbers of HMOs are now of concern to the Council, with some streets now being dominated by HMOs and families being pushed out.</p> <p>I am Bath born and bred and have seen the 'change' in Oldfield Park. Children and parents have attended local schools and playgroups but less now. Used the local churches, library and pubs but less now. The spacious houses used to be cheap for young couples to buy, raise a family and retire but less now. Nowadays many are purchased by a 'buy to let' landlord who converts it to cram in as many bedrooms and students as possible with no thought to community spirit, gardens and parking. These new planning controls will allow the Council to take control of the issue and curb future growth. I am glad that existing HMOs will be unaffected by these planning controls, but future changes of use will in future be subject to scrutiny by Council planners.</p> <p>It is time that B&amp;NES Council followed in the steps of many other cities in taking forward additional planning controls over HMOs, all of which are also University cities – such as Oxford, Leeds, Nottingham, Canterbury, Exeter, Manchester and Bristol.</p> <p>The 12 month notice period will flag up to anyone looking to purchase</p>

	<p>a family house in Bath that they might want to “buy to let” as a HMO and that from 1st July 2013 they will be likely to need planning permission to do this. Furthermore, where there is already a high concentration of HMOs on the street they may be unlikely to obtain planning permission to change use to an HMO.</p> <p>I really think that this fair and reasonable and is excellent news. I fully support this B&amp;NES proposal.</p> <p>Phil Dunning</p>
Stella and Phil Wainwright, Residents	<p>To The Planning Policy Team,</p> <p>Re: Draft Supplementary Planning Document on HMO in Bath.</p> <p>If an Article Four Direction is implemented across the city it will benefit those areas that are not already saturated with HMOs, preventing any further conversions of ordinary family homes into student lets. However for us the most frustrating, and disappointing outcome of an Article Four Direction is that it provides those people who are the victims of extremely extensive ‘studentification’ with false hopes that the problems they face are going to be resolved.</p> <p>The expansion of the higher education system over the past 2 decades may have slowed, but existing HMOs will not disappear; implementation of the Direction will prevent further excessive conversion of family houses to HMOs, but will not result in the existing HMOs in saturated areas such as Lorne Road reverting to family occupation.</p> <p>Lorne Road has 88% Of HMO owned by investor landlords. Following implementation of an Article Four Direction the remaining owner-occupiers will find it extremely difficult, if not impossible, to sell their homes in the future. Investors would not be interested in the remaining properties because they would have no potential for them as planning permission would not be given under Article Four Direction because more than 25% of the houses are HMOs.</p> <p>The families that once resided in these homes would not return to Lorne Road as like us they would be few and far between. Parking, rubbish and noise make roads with an abundance of HMOs easily identifiable. For this reason very few people would want to purchase a property to use as a family home in a road that in term time can resemble a third world slum.</p> <p>The whole point of an Article Four Direction is to protect against the character of a neighbourhood changing. In Lorne Road there are only 9 houses left in the entire road of 73 houses that are owner occupied. If all of these in future were to become an HMO it would not make any difference to the current character of the road.</p> <p>We feel that restriction of HMOs should continue in areas of Bath that still have a mix of owner occupier or social housing tenants as well as HMOs so that the outcome of Article Four Direction can be</p>

accomplished. We have family and friends who live towards the outskirts of the City where an Article Four Direction will prevent their community becoming dominated by HMOs.

However in areas such as Lorne Road, where it would now be impossible to rebalance the community, it would make no difference. Lorne Road, in having 88% concentration of HMOs is past the point of no return. The landlords who have purchased these properties are mostly builders and most have a portfolio of houses in multiple occupation. Once purchased they rarely sell these homes, consequently making it very difficult to once again achieve the residential community mix that the Article Four Direction will hopefully achieve in other areas of this lovely City.

We have lived in Lorne Road for over 30 years and have corresponded through local councillors, and latterly council connect, with regard to the ongoing problems that are a result of the road being mostly inhabited by students residing in HMOs. Despite efforts of the council officials or employees we have contacted, the problem is insidious, creeping through each batch of new occupants. We regularly remove rubbish when we return from work, and often telephone various companies to collect bollards etc left in Lorne road by students who collect them from local road works or housing projects on their way home after a night out in the city centre.

When we moved here we intended to remain forever. Now in our early 60s, having watched Lorne Road turn into an extension of a university campus, we accept that we may not want to live here when we retire.

After reading the draft supplementary planning document we are concerned that any future planning application to turn a family home into a C4 HMO will not be considered on an individual basis, as the document states:

"Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multi Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs) **will not** be permitted where;

1. Stage 1 Test: The application property is within, or less than 50 metres from a Consensus Output Area in which HMO properties represent more than 25% of households; and

Stage 2 Test: HMO properties represent more than 25% of households within a 100 metre radius of the application property."

This means that if an owner occupier in a road such as Lorne Road, where there is an extremely high concentration of HMO's, applied for planning permission to change his/her house from a family home to a C4 HMO to enable them to sell their home for a market value, permission would be denied without any further consideration. This is confusing because the whole emphasis of an A4D is to prevent the character of a neighbourhood changing; Even if the other 12% of houses changed to HMO's in Lorne Road this would make no

	<p>difference to the already changed neighbourhood.</p> <p>We are concerned that in the future the existing owner occupiers will be unable to sell their houses for a price that will enable them to purchase a similar property elsewhere, and ask the Council not to condemn them to living in this road in old age. We are asking the Council that should the implementation of Article Four Direction go ahead, the Supplementary Plan supporting Article Four Direction treats Lorne Road as an exception and exempts applications from the Stage 1 and Stage 2 tests for all the reasons noted in this correspondence</p> <p>Thank you for considering our comments Kind Regards</p> <p>Stella and Phil Wainwright</p>
Peter Smith, Resident	<p>1. I understand that the council has agreed to update the HMO level from 20% to 25%. This level is far to high, increasing HMO's from 1 in 5 to 1 in 4. As a result of the ridiculous regulations in force at the moment the occupiers and landlords of these properties do not pay Council Tax and if this is fully implemented the loss of revenue to the council will be increased – How is this loss to be made up? By people like me through an increase in Council Tax and/or money from central government.</p> <p>2.The HMO Level should be reduced to 10% as this will reduce the migrant population to something that the settled population can live with.</p> <p>3.This will also reduce the annoyance of late night activities of the young, single HMO occupier, reduce the number of uncared for gardens and the dumping of unsorted household waste on the public streets on all days except the right one.</p> <p>4.Will you please concentrate your minds on sorting out this nightmare.</p> <p>5.I read in the local paper that it will cost £13 million to remove the last gas holder and I presume clean up the site afterwards. Can you please tell me the names of the firms that were approached to quote a price for this lucrative contract and the prices quoted?</p>
Pete Falla, Resident	<p>Dear Sir/Madam</p> <p>I wish to wholeheartedly support the implementation of the Article 4 Direction Plus Threshold Policy and also the additional Licensing which is due to be the subject of community consultation later in the year.</p>

The reasons are many: -

- a. The southern side of the city, and particularly Twerton, Oldfield Park and Westmorland already have a high percentage of HMOs and a cap is needed. In this respect, it is regretted that the change cannot be applied retrospectively. Reports drawn up in other University towns and cities, indicate that the growth of HMOs drives residents from central areas leading to student ghettos and, ultimately, to vast areas of poor quality housing (slums?).
- b. The purchasing of houses for use as HMOs takes property out of the housing market that have, traditionally, been cheaper than other areas of the City and thus form housing for young people. Less young people means less children leading to problems with local schools and more isolated child communities.
- c. Students tend to be in the HMOs for only a limited period, do not become part of the local community, and have different lifestyles to residents. We have been particularly lucky this year with few problems of noise and disruption. It has not always been so with a considerable detrimental effect on resident's lives. Other problems associated with student occupation include rubbish bags left out for days, unsorted recycling that cannot be collected, empty recycling boxes left on the pavements for days and weeks, and, of course, the real bone of contention, parking, where multiple car ownership in HMOs leads to residents having to park considerable distances away from their homes.
- d. Many landlords have little or no interest in their properties and run the HMOs only for profit. After all, they purchase these houses as investments and expect a return on the capital which is better than anything available on the investments market. However, the steady degradation (badly maintained structures, unkempt gardens, rubbish) of HMOs leads to a reduction in the value of residential housing, the owners of which have struggled financially to acquire the properties and now spend considerable sums to maintain and improve them. It is lamentable that the owners of HMOs do not pay either Council Tax or Business Rates and yet their tenants enjoy all the benefits provided by local government for which residents pay a considerable sum. Meanwhile, the scramble by Landlords to buy up property for students let, and the corresponding rise in property values, could lead to an increase in Council takes banding which will hit the owners, but not Student Landlords.
- e. I would recommend that the Council brings pressure on National Government through whatever methods are available, including pressure on Bath's Ministerial MP, to amend the law regarding the charging of Council Tax/Business Rates on properties occupied by students.

It is not that residents wish to eliminate the student population completely, nor do we wish to dictate to students where they are or are not able to live (although personally, I think University numbers



	<p>should be capped at the number of students that they can accommodate, though not necessarily on campus). It is that there is a reasonable mix of residential and HMOs that enables residents to feel part of one of B&amp;NES's aims, namely 'To create neighbourhoods where people are proud to live'.</p> <p>Yours faithfully,</p> <p>Pete Falla</p>
Penny Wilson, Resident	<p>I support the proposed SPD. However, this will do nothing to improve the lives of those people already resident within the identified areas. Hopefully it will prevent adjacent areas in East Twerton near the Lower Bristol Road becoming further blighted by the effects of noise, litter, flies (from rubbish) and parking issues caused by some HMOs. This area has already seen a significant increase in HMOs since the Waterside/Charlton Court development, which appears to have encouraged students to stay in the area after leaving halls of residence. It should also be born in mind that although 25 percent of properties are not HMOs, residents are living close to a very high concentration of students and the associated nuisances of noise and parking difficulties (even though residents of halls are not supposed to have cars).</p> <p>It is important to recognise that it only takes a single nuisance neighbour to cause misery for others living around them. Therefore any additional measures that can be taken to deal with existing HMOs with 3 or more residents would be strongly welcomed.</p> <p>I would be grateful if you could keep me informed of any further consultation with regards to this SPD and Additional Licencing for smaller HMOs.</p> <p>Regards, Penny Wilson</p>
Pauline Cox, Resident	<p>Dear Sir</p> <p>Living in Westmoreland ward I experience everyday the problems associated with so many houses of multiple occupancy. It has a negative influence on the area.</p> <p>We are losing our community and I certainly do not agree with having every fourth of fifth house being an HMO. I actually live in a street where a third of the houses are HMOs. I think there should only be about a ninth of houses in an area to be of multiple occupancy. This would be a far fairer balance for all concerned. Unless you live in an area like ours you really cannot understand our situation.</p>

	<p>Concerning additional licensing it is very important that this should happen, and that landlords are made to keep their property up to a proper standard.</p> <p>The problems I notice are properties are neglected, curtains and blinds are drawn all day, rubbish and recycling is never put out on the proper days, the gardens are neglected and overgrown, especially the front gardens are a dumping ground for waste, and I have seen a dead rat in the front of the house next to me, food is left out rotting. You can spot a student property at a glance. Health and safety standards should be enforced especially with the risk of fires, this is a constant worry to me especially when I hear next doors smoke alarm.</p> <p>We would like to be able to walk down our street without being faced with the mess made by student housing.</p>
Mrs Hobbs-Shoulder	<p>I think this proposal is a good idea so that it protects local community family streets like Bellotts Road.</p> <p>Thanks Mrs Hobbs-Shoulder Bellotts Road, Bath</p>
Network Rail	<p>Dear Sir/Madam</p> <p>Network Rail has been consulted by Bath and North East Somerset Council on the Draft Houses in Multiple Occupation (HMO) in Bath Supplementary Planning document. Thank you for providing us with this opportunity to comment on this Planning Policy document.</p> <p>Upon the review of this document, Network Rail has no comments to make.</p> <p>Regards,</p> <p>Barbara Morgan Town Planning Technician (Western)</p>
Michael McLoughlin, Resident	<p>Hi Council,</p> <p>While this might be good for Bath shops and services, It seems to rip the heart out of community life? It seems to me a license for these properties would make sense as it needs to make Landlords more accountable for there tenents / household rubbish/ gardens/parking ect. No action will just lead to more eyesores in what used to be family community and pleasant place to live.</p> <p>Kind Regards,</p> <p>Michael McLoughlin.</p>

<p>Mike Prichard, Resident</p>	<p>Dear Sir / Madam</p> <p>I would like to register my agreement in principle with the implementation of an article 4 Direction plus threshold planning policy in regard to HMOs within Bath, however I have some concerns with the implementation.</p> <p>To free up properties for young adults who wish to remain in the Bath area to work, and for those who wish to settle in Bath longer term, I would prefer that the policy also force further on campus accomodation for students through their first and second years of study which would help to preserve sufficient family housing which is currently being bought up by landlords. I urge you to consider the number of houses available for all ages, not just the youngest. Are there enough properties for individuals currently in HMOs to live in when they wish to start their own families or will they have to move elsewhere? What impact would this have on businesses?</p> <p>A 25% property based threshold means that perhaps as much as 40% of adults in the area could be resident in HMOs. This is a very high proportion of (typically) young adults within an area and I am concerned it would be detrimental to family life, through noise, litter and other anti-social behaviour. Working families typically have to start their day earlier, and so need to be asleep earlier. I have friends forced to move from their family home due to noise from an adjoining HMO. At a threshold of 25% there would be very few households that do not adjoin an HMO.</p> <p>I therefore have some concerns over the 25% threshold proposed as I feel it is still too high. The 2011 study into HMOs (Option 1) recommended (?) a level of 20% which I feel would be more appropriate, although even this seems high to me. I would prefer a threshold based on a % of residents within a community living in HMOs. I have copied Option 1 from this study below:</p> <p>Option 1: A city-wide, non-immediate (i.e. with a 12 month notice period), Article 4 Direction plus an additional threshold planning policy (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).</p> <p>Also, to be properly implemented the council must ensure it is aware of all HMOs if this threshold assessment is to be carried out consistently. The 2011 study found:</p> <p>There is no comprehensive record of current HMOs in Bath. Bath &amp; North East Somerset (B&amp;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.</p>
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	<p>How will this be accounted for in the threshold assessment?</p> <p>In general I welcome the move to implement an Article 4 Direction and to restrict the density of HMOs but there must be consideration to protect/balance all tiers of the housing market.</p> <p>Mike Prichard</p>
Martin Monks, Resident	<p>I support the proposed introduction of controls on HMOs. Magdalen Ave in Lyncombe needs to be included. Martin Monks</p>
Mark Rose, University of Bath	<p>Dear Sir</p> <p><b>HOUSES IN MULTIPLE OCCUPATION : SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION</b></p> <p>I write on behalf of my clients the University of Bath in relation to the Council's consultation in respect of the draft Houses in Multiple Occupation in Bath SPD.</p> <p>You will be aware that the University have previously made representations in respect of the decision to impose an Article 4 Direction in relation to this matter. The University's concerns in respect of this course of action (as expressed in letters dated 10th February and 7th June 2012) relate to the failure of the Council to demonstrate the exceptional circumstances required to justify the implementation of an Article 4 Direction, the serious implications for the city's housing market and the local economy, and the availability of more appropriate remedies to the contended problems arising from concentrations of HMOs in the city (including the proposed additional licensing which the University supports).</p> <p>The University does not consider that the Council has satisfactorily addressed these matters, which clearly require careful consideration when the Council comes to make its final decision in respect of the proposed Article 4 Direction. It is, however, accepted that if the Article 4 Direction is finally put in place, the SPD is a necessary tool to guide the determination of the consequent planning applications. The University do, however, question the proposed threshold of 25% which is considered too low. The implications of this are clear as HMOs are an essential source of housing for young people in the city who often have a limited choice of housing available to them, including graduates, young professionals, key workers and contract workers, as well as students. A limitation in the supply of HMOs will force young people to reside elsewhere in or outside of the city, away from the primary bus routes and services and facilities within the city that they support.</p> <p>The University considers that a higher threshold of 30% would be appropriate, and that specific streets immediately adjacent to key student bus routes are identified as being exempt from the threshold. I trust that the University's comments will be taken into account, and I look forward to receiving the Council's response to the matters raised.</p>

	<p>Yours faithfully</p> <p><b>Mark Rose</b></p> <p><b>Director</b></p>
Liz Hearn, Resident	<p>I am a resident of Westmorland and therefore directly affected by BANES proposals. I am an owner occupier with a family. I have lived here for 6 years. I don't plan to live here forever.</p> <p>I don't like your proposal to limit HMO's.</p> <p>No-where in your proposal have you considered the effect on the market value of properties in Bath. Does the council propose to compensate property owners in Bath whose houses are not able to be sold to folk looking to create HMO's?</p> <p>I believe you have created two markets for lets say three bedroom Victorian terraces in Bath – those inside a 25% area and those outside a 25% area will have different options available to them. My house is likely to fall inside the 25% area – which means my house will have under your proposal a reduced market, as I will only be able to sell it to a family. When two properties came on the market last year across the street both vendors wished to sell to young couples – like themselves. The reality was that both were sold to pension investors who rent the properties out and would therefore be HMO'S. The 'young couples' market was simply not there to sell to.</p> <p>It seems to me now to be a race to apply – to be within the 25% – you get the full open market value of your property. If you are in a property already in the 25% boundary – then basically you are stuffed!</p> <p>The value of my house is now determined by the actions of 25% of my neighbours – as their actions have the potential to destroy my opportunity to sell at full market rate.</p> <p>I am against any further regulation of HMO's in the focussed areas which I think includes my property.</p>
Linda Cook, Resident	<p>I would like to add my support to the above and encourage the council to move forward on the issue of HMOs.</p> <p>I live in Brook Road - this has become to all intents and purposes a business area - as the majority of the houses are used , not for family living , but to make money for landlords and letting agencies.</p> <p>I live between two HMOs with a total of 11 occupants . I don't know who my neighbours are there is no point in finding out as they change so often .</p> <p>The local estate agency , Madison Oakley, recently posted an advertising flyer in the area, encouraging home owners to sell their properties now, before Article 4 is brought in.</p> <p>So please act now - it is probably too late for Brook Rd but could help to save other parts of Bath.</p>

	Yours Linda Cook
Kelsa Smith, Resident	Hi, I would like to express my support for the Article 4 Direction to limit the number of HMO's in Bath. I believe that the plans as laid out in the consultation are sensible and will help to achieve an appropriate balance of local resident families and students in the area.  Best wishes, Kelsa Smith
Cllr June Player, Westmoreland Ward	<p>It is imperative that controlling the growth of Houses of Multiple Occupancy (HMOs) is taken seriously in order to maintain a proper balance of types of housing and occupants. No one section of society should dominate an area. There must be a good mix of people to have good mixed communities and community spirit.</p> <p>To say that 1 in 4 houses should be allowed to be Houses of Multiple Occupancy (HMO) will in no way bring about these good mixed communities. In view of the fact that one HMO can have in some cases the same number of occupants as those in the other 3 houses is totally out of proportion and in a lot of cases the number will be more.</p> <p>The percentage of 25 is too high - we need a figure nearer 10% to have a better balance. I must object to this 25% for the sake of the communities and quality of life in general. It is very unfair and totally favours owners of properties who do not even live in the areas of where their properties are and who have no interest in the community. Their one concern is that of how much money they can make.</p> <p>I am far from happy that a decision was taken by Cabinet that the percentage was changed from 20%, which was the figure being worked on at every consultation I attended and which I made it quite plain that I found THAT figure too high, to 25%. I actually LIVE in the worst affected Ward of Westmoreland so do know exactly what life is like in such a heavily HMO populated area which cannot be said for nearly everyone else involved in the consultation. I do feel therefore that more credence should be given to my comments and reasons. Anyone coming out to speak with the non-HMO residents will learn instantly and of course see for themselves just what we are facing daily and we certainly cannot let it get worse.</p> <p>Concerning Additional Licensing - this is a must. We are all entitled to live in areas that are safe, clean and attractive. This applies to short-term and long-term residents. Safe from the point of view that HMOs have to conform to proper fire regulations because they are more likely to have fires due to so many individuals living in one house. Obviously safety applies to all but home owners are far more likely to ensure these standards.</p> <p>Clean and attractive - properties must be repaired and maintained to a</p>

	<p>decent standard which includes looking after the gardens and having proper storage places for rubbish and recycling. The numbers of HMOs that have their front gardens littered with bags of rubbish, chucked away food, in bags/containers that are split and overflowing is visible to all in a ward such as Westmoreland.</p> <p>I am sick of seeing my area being slummed down for the sake of lack of proper facilities and lack of concern by so many absentee owners. Both the landlords and the tenants have to be made responsible for the state of the properties. Walk down any street in Westmoreland and in nearly every case, it is pretty obvious which is an HMO and which is not! We MUST have standards introduced so that our streets are pleasant to walk along and the properties are pleasing to look at.</p> <p>June Player <i>Keeping it Clean, Green and Friendly</i></p> <p>Independent Cllr. Westmoreland</p>
Jim Warren, Residents	<p>I would like to make the following comments, which are made from a local community perspective; I am a resident in one of the Wards covered by the proposals for extended licensing. In addition, I care about Conservation Areas and the World Heritage Site: I have American friends and care about what they think when they visit.</p> <ol style="list-style-type: none"> <li>1. The principle of a Supplementary Planning Document for Houses in Multiple Occupation is supported.</li> <li>2. The boundary within which the SPD applies is easy to understand and apply if it is the city boundary, and this is acceptable provided that the World Heritage Site boundary matches or is within the city boundary for its entire length. If not then the World Heritage Site boundary should be used instead.</li> <li>3. The interpretation of Section 254 of the Housing Act 2004 is easier to understand than the wording in the Section itself, so this is welcomed.</li> <li>4. However the interpretation of Statutory Instrument 653/2010 is incorrect, and as expressed is misleading. Use Class C4 does not simply say "3 or more people" it says "by not more than six people", and this upper limit should be clearly stated in the guidance, along with reference to the Statutory Instrument by number so that anybody interested knows exactly what to look for. There is a Use Class (C1) within the parent Statutory Instrument (764/1987) for more than six residents, and that should be quoted in the SPD instead of Sui Generis, which by definition need to be examined on a case by case basis. All references to Sui Generis need to be deleted; it is not the role of a Local Authority to circumvent legislation enacted at National level.</li> <li>5. The description of the legislation states that "properties containing</li> </ol>



the owner-occupier and up to two lodgers do not constitute HMOs” yet if an owner occupier living alone and having exactly two lodgers follows the flowchart, the conclusion reached is that “This is an HMO” so the flowchart is wrong and must be amended. The simplest correction is to amend the first (entry) box to say “Discounting an owner-occupier if they live on the premises as their permanent residence, are there more than two other residents?” which would then align the outcome with the legislation.

6. The supplementary Policy as defined in the coloured box under 3.0 is unacceptable.

When there is a valid Use Class covering HMOs for up to six residents and another Use Class covering properties used as an HMO but for more than six residents, then it is entirely wrong to try to circumvent the statutory descriptions by the promotion of Sui Generis (HMOs). If any properties have already been granted Sui Generis permissions then of course they remain valid, but there is no place in a policy statement for encouragement to use an inappropriate designation in future.

7. The Cabinet papers which informed the consultation on the Article 4 policy

and all the press coverage was based on a figure of 20% within a 100 metre

radius, so the Stage 2 Test should be based on that figure, not the 25% quoted

in the draft SPD, or else the Article 4 consultation needs to be re-run because

there may have been a rather different set of comments (and perhaps more of

them) if a different ratio was being considered. The policy statement should

revert to the 20% consulted on and make it clear that fractions should be

rounded up (so that anything fractionally over 19% is 20%).

Elsewhere in the

draft SPD it makes it clear that an SPD is guidance rather than rules to be

slavishly obeyed, so there is no excuse for changing the ratio, which appears to

be almost a sleight of hand given what went before. A 100 metre radius is not

a large area and losing 25% to HMOs based on calculations of student occupancy has a significant impact on local shopping, parking and leisure

destinations when students go home for the summer, and student numbers even

have an impact on school and nursery uptake which families in these addresses

would have taken up. 25% is too big a number unless the radius is significantly

increased, and this element of the policy is unacceptable. Section 4.0 also

quotes 25% which is unacceptable.

8. The flowchart in Section 4.0 introduces the concept of “unless there are other material considerations” under both the “Minded to approve” and “Minded to refuse” decision boxes, but the SPD is completely devoid of any guidance about what these might be, so as guidance it is totally inadequate. It is suggested that other material considerations should include whether dormer windows are to be added to the roof (which might affect the street scene and therefore the Outstanding Universal Value of the views) and whether the internal plan for of the building is to be amended. This latter consideration directly relates to HG.12 (iv). If the plan form is altered to cram in more residents, the resulting accommodation is ruined as far as reverting to a family home is concerned (it is possible but the cost of reversion will be a definite deterrent to any families house-hunting), whereas a HMO application which retains the original plan form for the house is immediately reusable as a family home should the demand for HMOs dwindle. I would like to see a presumption to refuse applications that significantly modify the plan form at a rather lower density (perhaps 20% within a 300 metre radius) with 20% within 100 Metres being permitted for those applications that do not modify the plan form. Such a differential would discourage conversions that would have a detrimental effect on the mix of types that HG.12 (iv) attempts to preserve. Families are deterred from moving into properties in areas with a high proportion of HMOs because of the potential of noise problems disturbing children's sleep and difficulties in parking, so the benefits of families living nearby (in car sharing on the school run, pet caring during holidays, local playmates for children) are lost. Nearly all the residents in my area are retired or students in HMOs of students because every house that was offered for sale over the last few years was snapped up for HMO conversion, with families being outbid. Yet it is families that are the life-blood of a community. A thinner spread of HMOs is therefore essential rather than desirable, and a 25% penetration is far too high. My street is 33% HMOs and the HMO

	<p>residents outnumber all the other residents in the street, even if children and pets are counted! They also have more cars than the whole of the rest of the street. When the street was 20% HMOs, the students equalled the adult residents.</p> <p>9. The dates for monitoring are the worst possible choice. HMO conversions and refurbishments mostly take place from mid-July to early September, so assessing the population on 1st July is going to miss all the ones in hand. Given that the threat of the Article 4 has encouraged landlords to get their future conversions in before it comes into effect, a reassessment on 1 October is required, with the second on 1 May to catch the Easter conversions.</p> <p>10. In areas covered by resident's parking schemes, only HMOs paying Council Tax should be eligible for parking permits. Such an approach might encourage lets to young professionals rather than just targeting the student requirement. Young professionals also tend to stay for longer and become part of the local community in a way that students seldom do.</p> <p>11. Finally, the policy should include an aim that each HMO planning application granted permission should be automatically referred to the licensing group and the Decision Notice should have a condition that the applicant must ask for an inspection by licensing before the property is occupied to ensure that no landlord attempts to avoid the necessary licence. The reason for the two notifications to licensing is to give licensing a checklist to catch the occasions when the condition is ignored.</p> <p>Please note these comments in formulating the final version of the SPD. Yours sincerely</p>
Anonymous written comments from consultation event	<p>Residents of Monksdale Road</p> <ul style="list-style-type: none"> <li>• Live in OFP</li> <li>• Already have enough HMOs in area and don't want more</li> <li>• Houses in OFP should be family homes</li> <li>• No direct problems with students</li> </ul>

	<ul style="list-style-type: none"> <li>• Not the opportunity to buy houses in Bath</li> <li>• Very high concentration of HMOs in this area</li> <li>• Daughter had to move to Bristol</li> <li>• Student accommodation should be taken away from the area</li> <li>• Council tax not paid for student houses – should be</li> <li>• Aware of HMOs but live just outside of the most concentrated area</li> <li>• Problems: noisy students, untidy students, overgrown gardens, rubbish everywhere, landlords should look after their HMOs,</li> </ul>
Ralph Warfield, Resident	<p>Dear Sir or Madam,</p> <p>With reference to the letter, dated November 2012, regarding multiple house occupation.</p> <p>I am pleased to report that I am not one of those affected by this letter, but we do seem to have rather a lot of multi-occupation houses with 4 or 5 students each in them, down this road and in the adjacent road, Third Avenue. My road is split into several blocks of 9 or ten houses in a block.</p> <p>In the next block down, there are just 3 single occupancy houses, 2 occupied by widowed ladies of pensionable age. In my block, there are several houses with students and most of very well behaved - most of the time.</p> <p>We could certainly do with more family orientated houses down this road and in most of Oldfield Park, which has turned into some sort of third-world country, with litter and rubbish strewn all over the place and gardens being left in a disgusting state from one year to the next.</p> <p>More student accomodation should be provided by the universities themselves. Then Oldlfield Park could go back to being its usual wonderful self.</p> <p>Yours faithfully,</p> <p>Ralph Warfield</p>
Trevor Fysh, Resident	<p>Whilst I fully support this initiative, it does not go far enough. There comes a point where an area such as Oldfield park has an overpopulation of students, this brings all of the attendant problems as highlighted, but also a saturation of the available parking spaces. Halting further HMOS would be the preferred solution.</p> <p>Once again It seems that the residents have been forgotten , and the priority given to the unruly disruptive elements.</p> <p>If nothing else, stop students from bringing cars into residential area's . I suggest residents parking with a two hour limit for shoppers.</p>

	Trevor Fysh.
Leonie Cooke, HMO Landlord	<p>Dear Jeremy</p> <p>It was good to talk to you yesterday at the Baptist Church Hall. As we explained we are a multiple landlord in Oldfield Park with a mixture of licensed, accredited and other student houses. We operate hands on management and all our houses are maintained and decorated to an extremely high standard. Whilst in principle we have no objection to a scheme whereby all houses are required to be up to our standard we do not think that the current proposals will achieve anything, other than to create a mountain of paperwork and cost. Here are our detailed comments:</p> <p><b>ARTICLE 4</b></p> <p>1 It seems to me that Article 4 may be a case of "closing the stable door after the horse has bolted" and I wonder if it is really going to achieve much going forward other than to cost the Council money as you will not be able to charge planning fees and will inevitably have to increase your staff nos.</p> <p>2 In addition there are going to be some potentially undesirable consequences:</p> <p>A) Owners of residential houses (many of them old people and young couples) are going to see the value of their properties fall as they will no longer be worth a multiple of potential rent as HMO's – which is what the market is currently valuing them at. You will effectively create a 2 tier market – HMO properties will be worth more (current values) and residential properties will be worth less</p> <p>B) You will effectively prevent HMO properties from ever returning to residential houses because planning permission will be required and no mortgage lender will lend against the property unless the planning allows the buyer to live in it – as the planning process will inevitably take many weeks this will prevent homeowners from purchasing an HMO to take it back into family occupation</p> <p>C) You will hand a nice fat profit to speculators who are prepared to buy a residential house and take the planning risk of turning it into an HMO – knowing they can always do it up and sell it on as a residential house if they fail and probably still make money. This will be at the expense of the elderly and young families.</p> <p><b>EXTENDING HMO LICENSING</b></p> <p>1 Is this scheme going to deliver any improvements in the areas you are particularly concerned about? Or will your staff be bogged down for years in a paper intensive exercise which will fail to deal with the</p>

real problems on the ground.

2 Surely the existing law requires landlords to have gas safety certificates, electrical inspection certificates and adequate fire precautions. To enforce these on existing properties you just need to start inspecting the suspect houses and enforcing the existing law. You don't need licensing laws to do this. A far better use of resources which would target the properties that need targeting.

3 With regard to improving garden maintenance and rubbish – if your staff are bogged down in licensing paperwork they are never going to be able to enforce these requirements anyway. The good landlords who are already looking after their properties will continue to do so and the bad ones won't and you are unlikely to have the manpower to inspect and enforce against them.

4 In practice the "good" landlords will submit their registration applications first and keep your staff busy. The "bad " ones will wait as long as they can get away without submitting – and when will you actually get round to dealing with them – if ever? It's a bit like the money laundering laws – most of us don't launder money and banks spend huge amounts of time on paperwork for us – and those that do launder money seem to be continuing to do so anyway – and some of them get caught and it hits the papers – I suspect many don't !!

5 It is blatantly unfair that "good" multiple landlords should subsidise the scheme to enable you "perhaps" to catch the bad ones. If a Landlord fulfils his obligations why should he have to pay the same fee for every property. We would favour a higher fee for the first property – in which process the landlord is approved as a fit and proper person – and then a reducing scale of fees for each property added thereafter. Maybe in bands – a fee for first 5 then a substantially reduced fee for 6 and more.

6 What about the letting agencies? More stringent enforcement against them to ensure they are managing the properties properly in terms of maintenance, gardens and rubbish should be easy – they must all be the manager of at least one licensed property and so surely you can enforce their compliance under the existing licenses or deem them unfit and therefore effectively stop them managing the licensed properties – do you ever inspect and enforce currently? If not why not? And realistically will anything change if you have even more properties to monitor??

7 Unless you have an electronic system in place for submitting applications and making payments, this scheme is going to be so unwieldy as to be ineffective. You can't cope at the moment – we are still waiting for a license on a property which you approved in August. In practice you can only deal with a licence issue and then a re-inspection after 5 years – what is that really worth?

Sorry to be so negative but it seems to us that you are merely proposing to add cost to the Council – get the landlords to pay for it and then just create a bureaucratic nightmare for everyone without

	<p>actually making anything better on the ground</p> <p>Good luck with whatever you decide to do</p> <p>Regards</p> <p>Leonie Cooke</p>
J Bond, Resident	<p>Dear Sirs</p> <p>I am writing in response to your consultation on HMO's in Bath. I am resident of 4 Bellotts Road, nr Oldfield Park and I absolutely agree that planning permission for change of use is essential and also needs to be regulated by licensing. HMO's create a huge problem for areas, my own experience being in Oldfield Park and the Westmoreland districts.</p> <p>Problems created and experienced by neighbours to HMOs:</p> <ul style="list-style-type: none"> <li>- litter: the volume of litter can be 5 or more times that of a non HMO and so is often placed outside of the house throughout the week. This obviously looks unsightly, but can also become a health &amp; environmental problem as the bags smell and deteriorate and also are ripped by animals, such as seagulls, and the litter spreads across the street.</li> <li>- noise: the more people there are within a dwelling obviously creates more noise and, with people living in all rooms of the house, the noise created can be anti-social. With particular reference to students, they tend to gather outside of houses in groups and create noise into the early hours of the morning with no regard whatsoever being given to other residents.</li> <li>- parking: multiple occupancy means more cars, exacerbating an already difficult parking situation.</li> <li>- house dilapidation: from experience, HMOs are neglected resulting in deterioration of the property, sometimes irreparably, to the detriment of the entire area.</li> <li>- community destruction: a high percentage of HMO's in a district distorts the mix of population. In particular, no houses are available for young families and first time buyers resulting in a general loss of amenity, eg, schooling and social facilities. The area also becomes unpleasant for elderly people who can also feel isolated.</li> </ul> <p>All of the impacts listed above could be reduced by a restriction on the number of HMO's in a particular area and named streets, and if licensing regulations were introduced and enforced on landlords of HMOs.</p> <p>I strongly disagree that the ratio of HMOs to non HMOs should be 1:4 . I understood that this was originally 1:5 and I believe that even</p>



	<p>this is too high and will still create the problems listed above.</p> <p>I do recognise that Bath has a large student population and I feel strongly that their accommodation needs should be addressed by the University themselves, particularly on their campuses.</p> <p>Thank you for you time,</p> <p>J Bond</p>
J R & Mrs S Phillips, Residents	<p>Dear Sirs</p> <p>We write to fully support the proposed Article 4 in respect of HMOs in Bath.</p> <p>We live in Coronation Avenue which is in the heart of the area most affected by student HMOs. We have watched while the area has been invaded by get rich quick landlords and the close knit community we had disappear. Whilst accepting that the Article 4 Directive is not the panacea for all, and is too late for the street that we live in, we recognise the value of such a tool in hopefully preventing the further deterioration of the city.</p> <p>Having attended one of the recent consultation events we were told that our street had already reached the level of 25% (indeed has exceeded it) and therefore planning permission would not be granted for the conversion of further homes into HMOs. This at least gives us some reassurance that the current situation would not worsen.</p> <p>We have two suggestions in respect of this consultation.</p> <p>Firstly we consider that the percentage of 25% as too high and that 15% or 20% would be more appropriate.</p> <p>Secondly we would like to suggest that permitted development rights in these areas are removed as our additional concern is that those landlords who cannot extend their portfolio by purchasing additional property will try to massively extend those that they have with extensions, loft conversions and dormers.</p> <p>Thirdly, we have to raise concern over the planning applications currently being submitted to divide houses into individual flats and new build small blocks of flats. These appear to be being permitted without consideration that these could (and probably will) be used for student accommodation. Individual flats will not be covered by the licensing system (thus potentially increasing the current problems) and we will lose yet more family accommodation.</p> <p>We respectfully request that our comments are taken into consideration.</p> <p>Yours faithfully J R &amp; Mrs S Phillips</p>
Hanna Wade, Bath Spa University	<p>Dear Cleo,</p> <p>As per your e-mail I am just writing to ask that the e-petition set up</p>

Student Union	<p>against an Article 4 Direction in Bath is taken into consideration in the consultation report.</p> <p><a href="http://democracy.bathnes.gov.uk/mgEPetitionDisplay.aspx?id=10">http://democracy.bathnes.gov.uk/mgEPetitionDisplay.aspx?id=10</a></p> <p>The petition currently stands at 651 signatures.</p> <p>The two Students' Unions did already respond to the initial consultation on an Article 4 direction in Bath, but I also want to draw your attention to the attached documents which we believe contain some useful information that may be relevant for your report and have already been used in the National Housing Voice report given to parliament.</p> <p>Many Thanks</p> <p>Hanna</p> <p>--</p>
National Landlord Association	<p><b>Introduction</b></p> <p>The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.</p> <p>With more than 20,000 individual landlords from around the United Kingdom and over 100 local authority associates, we provide a comprehensive range of benefits and services to our members and strive to raise standards in the private rented sector.</p> <p>The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.</p> <p><b>General Comments</b></p> <p>The National Landlords Association (NLA) would like to thank Bath and North East Somerset Council for including us in your consultation but would like to highlight some concerns with regard to the Direction made by the Council under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995.</p> <p>The NLA believes that any additional regulation of the private rented sector should balance the desire to ensure secure and sustainable communities with the increasing need for good quality housing. The introduction of Article 4 Direction before the impact of additional licensing has had an effect appears ill-timed.</p> <p>Additional regulatory burdens must focus on engaging with private landlords in order to improve professionalism and in turn standards, while reducing opportunities for rogue landlords to blight the sector. It should be the shared objectives of all parties involved to facilitate</p>

the best possible outcomes for landlords and tenants. As a result good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate, and the introduction of additional licensing the last thing good landlords need is to be further penalised by new regulations; particularly where there appears to be limited direct and immediate benefit to landlords or tenants.

An Article 4 Direction is undoubtedly a powerful tool for local authorities when used appropriately. However it should be considered as an option of last resort, rather than another tool to be applied liberally. We therefore, remain unconvinced that the Bath and North East Somerset Council has explored all potential avenues prior to adopting this Direction or has waited to see the impact of the imposition of Additional Licensing.

### Use Class C4

It is our view that the introduction of Use Class C4, in relation to HMO accommodation, was unnecessary and served only to create greater confusion and bureaucracy for the private rented sector. The Government 'Planning Portal' determines that:

*"The purpose of the planning system is to ensure that development plans and planning applications contribute to the delivery of sustainable development. This means that the right development is in the right place and at the right time."*<sup>1</sup>

This statement defines the rationale governing permitted development which is an important tool for managing reasonable and justifiable development. However, it is the NLA's contention that the establishment of a small HMO (as defined by the recent regulations) does not represent a substantial change of use in terms of the burden imposed on local infrastructure. The usage of local services is unlikely to be greatly different for a property shared by three unrelated renters than a family with teenage dependents. This position is supported by the recent Lancashire planning appeal Ref: 100-067-072 which stated:

*"The continued use of an end of terrace house in Lancashire as a house in multiple occupation was allowed, an inspector reasoning that noise should be little different from that made by a typical family. The next-door neighbours referred to disturbance from televisions, people moving around the property and doors slamming, claiming that it extended well into the evening on occasion. However, the inspector reasoned that in properties in family use many bedrooms occupied by children, and particularly teenagers, contained televisions and audio equipment. Thus, whilst tenants might*

<sup>1</sup> The Planning Portal, <http://www.planningportal.gov.uk/>, July 2010

*be inconsiderate on occasion, the same could be said of any type of occupier. Moreover, she found no evidence to support the generalised assertion that occupiers of an HMO were intrinsically more disposed to coming and going in the late evening or early morning hours than occupiers of other property types. She acknowledged that some tenants could work on a shift basis or during night time hours but given the limited number of occupants she did not consider that the comings and goings would be materially different from that associated with a typical household.”<sup>2</sup>*

Therefore, the NLA does not believe there is sufficient justification put forward by Bath and North East Somerset Council for introducing further demarcation into existing housing stock for the purpose of controlling the legitimate use of property especially when almost concurrently Additional Licensing is being imposed.

### **HMOs and Shared Housing**

The trends in future UK housing demographics along with the current state of housing finance and supply of affordable housing especially with the changes to Welfare, point to a greater need for shared housing/HMO-type housing in and around Bath. The flexibility and affordability that HMOs and shared housing provide are critical for many who either cannot afford or do not want the liabilities involved in owning their own home or indeed living on their own.

In addition to young professionals and students, migrants make up an important part of the shared housing market the UK. For obvious economic reasons and for flexibility, shared housing is an important source of housing for these groups. However, demand is not static. Recent research suggests that emigration out of the UK by economic migrants is increasing<sup>3</sup>.

The overwhelming characteristic between these groups is that they are necessarily transient. These households are not intended to ‘grow roots’ or stay in the same home for a generation. HMOs and shared housing are popular amongst these socio-economic groups precisely because they provide a fluid housing option.

### **Anti-Social Behaviour**

In common with all types of rented or leasehold tenure, rights and responsibilities associated with a private rented tenancy lie both on

<sup>2</sup> Planning Appeal Decision Ref: 100-067-072, A Roland (Inspector), 2010  
<http://www.compasssearch.co.uk/compass/faces/casebook2.jsp>

<sup>3</sup> Finch et al, ‘Shall We Stay or Shall We Go? Re-migration trends among Britain’s immigrants’, IPPR, 2009

the landlord and on the tenant. As with any other household, those in shared housing are required to behave in a socially acceptable way. Where reality does not match up to these expectations, both the landlord and the local authority have powers that can be used to tackle unacceptable behaviour.

Where a particular issue related to shared housing concentration has been identified, local authorities and enforcement agencies have extensive existing statutory powers to deal with such issues. The NLA argues that these powers should be explored and exhausted before an Article 4 Direction is made. Such powers include:

- Use of Criminal Behaviour Orders,
- Crime Prevention Injunctions
- Issuing improvement notices to homes that don't meet the decent homes standard
- Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990);
- Litter abatement notices under section 92 of the Environmental Protection Act 1990;
- Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10);
- The power to require rubbish to be removed from land under section 2 – 4 of the Prevention of Damage by Pests Act 1949.

These powers require local residents to identify particular cases of unacceptable behaviour so that they can be dealt with. Landlords can neither continually monitor the behaviour of their tenants, nor do anything that may constitute harassment. Too often local residents fall into the fallacy that it is the house itself rather than the household which causes an issue. They build up a 'general feeling' about areas of particularly dense shared housing, without looking to see whether particular problems have been dealt with. This aggregation of issues, particularly grievances and 'general feelings' about a community can quickly make residents feel that a 'tipping point' has been reached.

This problem is compounded where residents are not made aware of any specific action taken by a landlord or local authority against a particular household and so are ignorant of any work being done to tackle issues important to them.

The NLA agrees that some landlords, most often due to ignorance rather than roguish intent do not use their powers to manage their properties effectively and would recommend that rather than an Article 4 Direction, a more appropriate response would be to identify

issues and assist landlords to develop the required knowledge and skills to improve the sector.

If this proves unsuccessful, the NLA would also argue that a problem encompassing a few poorly managed and/or maintained properties would not be appropriately tackled by an Article 4 Direction and that in such situations local authorities should consider Enforcement Notices and Management Orders. These measures represent a targeted approach to specific issues, rather than a blanket scheme that has the potential to adversely affect the professional landlords, whilst still leaving the rogues able to operate under the radar.

Where local authorities have come together with other community stakeholders, including local landlords, to tackle particular problems or issues, then there have been successes<sup>4</sup>. However these initiatives do require active engagement by local authorities.

### Justification

Bath and North East Somerset Council faces a shortage of housing with high levels of demand across tenure including a considerable need for rented accommodation. As providers of private residential accommodation, landlords base their business plans on existing population and expected future demand. Resultantly, they are well placed to react to changes in demand with greater flexibility than social housing providers or the market for owner-occupied property.

The proposed Article 4 Direction is likely to erode the ability of landlords in Bath and North East Somerset to react to changing circumstances and the needs of the local community by removing the general permissions currently available for development. This measure will act as a distorting influence on the City's housing market as property with implied permission through existing use will be regarded as premium investment assets by landlords offering shared housing. While the presence, or lack of, C4 designated properties in certain localities will diminish the stability of property values according to consumer demand.

Further, the Department for Communities and Local Government Replacement Appendix D to Department for the Environment *Circular 9/95: General Development Consolidation Order 1995* (978 0117531024)<sup>5</sup> of November 2010 states at Paragraph 2.4 "there

<sup>4</sup> ECOTECH (2008), "Evidence Gathering – Houses in Multiple Occupation and possible planning responses", CLG. Although the Government's ECOTECH research focuses on student and migrant sections of the population, it does identify a number of effective local level initiatives which show stakeholders coming together.

<sup>5</sup> Available at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1759738.pdf>

	<p>should be particularly strong justification for the withdrawal of permitted development rights”.</p> <p><b>Conclusion</b></p> <p>It is the NLA’s contention that an Article 4 Direction should not be used as a check-box or census exercise by local authorities to identify landlords operating in their area. Should an area become subject to an Article 4 Direction we would want to see the local authority using the information gained to engage with landlords in order to encourage them to participate in whatever other measures Bath and North East Somerset Council and its partners have enacted to improve the quality of the local private rented sector.</p> <p>As we have noted in the consultation in relation to Additional Licensing the evidence base is insufficient and open to interpretation. The numbers which it is based on are significantly low and are not weighted for a true response of residents.</p> <p>We have strong concerns that the council are implementing two different policies without seeing what the impact of one is first.</p> <p>Again, the NLA would like to thank the Bath and North East Somerset Council for the opportunity to respond to this consultation and hope you find our comments useful.</p>
June Morgan, Resident	<p>I have recently emailed the Councillors at B&amp;NES with regards an article in the liberal Focus Newsletter regarding the % of HMOs within Bath, especially the Oldfield Park area.</p> <p>It read:</p> <p>With regards to the percentage of HMOs being allowed within the city and city limits as noted in the Focus newsletter, I would just like to tell you that I object most strongly to the 20% allowance being increased to 25% in the number of houses being converted to HMOs, this makes 1 in every 4 houses being eligible which is much too high, if anything the percentage should have been lowered to between 10% and 15%.</p> <p>I’ve not sure if this has actually been put forward to planning or even if it needs to go before the planning office, also if it is part of the process regarding Article 4/HMOs as I know this is ongoing, but I just wanted it noted that I don’t think an increase in HMOs will be very good for us in Bath.</p> <p>I would appreciate it if you could keep me informed on this subject.</p> <p>Dear Councillor's</p> <p>With regard to the percentage of HMO's being allowed within the city and city limits as noted in the Focus news letter, I would just like to tell</p>



	<p>you that I object most strongly to the 20% allowance being increased to 25% in the number of houses being converted to HMO's, this makes it 1 in every 4 houses being eligible to be converted which is much too high, if anything the percentage should have been lowered to between 10 and 15%.</p> <p>I also read within the Focus regarding the 25% ..... "we believe that this percentage would be much fairer" ..... can I ask to WHOM exactly this will be much fairer, certainly not the council tax payers who live in the community. YOU the LIBERALS are killing off the community and I want to know why!!!!</p> <p>With regards from someone who thought you might be good for our city - unfortunately you are proving me wrong.</p> <p>Please could you keep me informed as to the outcome of this subject.</p> <p>regards June Morgan</p>
Jason Leake, Resident	<p>I believe requiring planning permission for change of use from a family home to an HMO, and refusing it in neighbourhoods with significant existing HMO stock is a horrible idea. The very high proportion of students living in the city means that the overwhelming majority of people affected will be students. Consequently, this will be perceived as deliberate discrimination against students.</p> <p>The high proportion of foreign national and younger people in the student population means that it will disproportionately discriminate against people in the age range 18-24 or of non-white British ethnicity. The Council is not proposing to introduce measures so that retired people should be spread evenly across the city, so why do they do so with young people.</p> <p>It will increase costs and problems for the students affected since the services that they require are concentrated in a few parts of the city. For example there are good frequent bus links between Oldfield Park and the Universities. The Council has not indicated that it will provide equally good links from all parts of the country, probably because it would be uneconomic to do so with the poor concentration of potential customers that this proposal will cause. Similarly, other services used by students, such as takeaways and launderettes are concentrated in the particular areas in which they tend to live. Rents will also rise, since housing in Oldfield Park is amongst the cheapest in Bath and with layout most suitable for HMOs. Consequently landlords will require higher returns on their investments to cover the additional cost of purchasing housing outside of Oldfield Park.</p>
David Reynolds, Resident	<p>I think 25% is way too high. Living with 3 student houses very close to ours is no joke. Being woken by Taxi's, Pizza deliveries, Partying anything up to 3.30am is no joke. Ours was once a Quiet little street for young families, but this has now become a thing of the past. I think 15%</p>

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D & A Snook, Residents	Living in an area of high HMO's we would suggest the 25% level for HMO's quoted is <b>much</b> too high. A level of 10% such as in Portsmouth would be much more beneficial to our local community to correct the imbalance of current HMO's.  Please put this information forward to your consultation process.  Regards D & A Snook
Chris Wilmot, Resident	Here are my comments on the Supplementary Planning Document, specifically about the proposed 25% threshold.  Firstly: Are you aware that a survey of 10 streets in Oldfield Park just one year ago showed quite clearly that a road ( in this case Third Avenue ) which had exactly 25% of its houses converted to HMO's had 51% adults in the road living in HMOs? This pattern of up to double ( average 50% more) the ratio of adults in HMOs to HMOs themselves was repeated in all the roads surveyed. So in terms of the Council's own wish to have ' BALANCED COMMUNITIES' the threshold of 25% HMOs leads to a completely IMBALANCED community. So any decision on a threshold of HMOs MUST be based on PEOPLE and not simply buildings. In case you are still unsure about why this is , an HMO has an average of 5 ( when it involves students ) living there , and almost all "family homes ' have either one or two adults , many of them older people whose children have grown up and left home . Thus there are up to twice as many adults in each HMO. Additionally , very few of these houses in these roads have children; Third Avenue, for example, has just eight homes with children out of 92 houses.  Secondly : You say you have based your decision to propose 25% on a number of factors including 18% of Bath's population being students . You then state that 13% of those students do not live in halls . Now, ( assuming a minimal number of those students not in halls live with their parents), if my maths is correct 13% of 18% - the percentage of students who live in HMOs- equals approximately 2.4% ! So according to your own figures , the percentage of students living in HMOs is only 2.4% !!!! Now given that we've shown that to get anything like a balanced community, the number of HMO's should be not much more than half the number of students, on your figures the percentage of HMOs should be about 1.2% a great deal less than 25% !!!

However , I'll accept you may have made a mistake with your figures since I cannot believe that only 2.4% of students live in HMOs.

Thirdly: Assuming a figure as high as 20% of the population of Bath live in HMOs , were one to seriously be advocating a balanced community then the percentage of HMO's in a defined area should not exceed 10% or , at most 15%.

I trust , therefore, that the figure of 25% will be assigned to the scrap heap when the time comes to make a final decision. As you have probably ascertained, I am in favour of 15%.

Chris Wilmot

A final word on the matter.

Firstly, I am wholly in favour of further licensing of HMOs. Responsible landlords need not worry; irresponsible ones will , hopefully, get out of the market.

Secondly, while Article 4 Direction is about 10 years too late it is nevertheless to be welcomed . However the 25% threshold proposed is far too high. I wonder if you have taken into account the number of adults in an HMO compared to the number in ordinary 'family homes' , who are of course , Council Tax payers . It is between two and a half to three to one ! Therefore , if you persist with the 25%, the number of adults in HMOs in a street / area will at least be the equal of , and in some cases exceed , the number of permanent , council tax paying residents in 'family homes 'as has be shown to be the case on Oldfield Park . And , importantly, these are mostly single adults between 18 and 24 years old !! Doesn't say much for the Council's supposed commitment to a balanced community does it ? Not only are the great majority young, single adults, but they are also TRANSIENT, passing through, and very few ever return. Also for one third of the year these properties remain empty, which is , frankly , a disgrace . So , think again about the 25% and go for something lower ( which most other councils have done) . Otherwise , you will be seen by your permanent residents as being unduly influenced by that powerful lobby , the Landlords Association and other property investors . Incidentally, if you are after some sort of balance , between 10 and 15% would be about right .

Chris Wilmot

Josephine & Chris Vercoe, Landlords	<p>Thanks to the planning office for giving good and useful information on the proposed changes. The documents on the website also appear well thought out and coherent, although we do not necessarily agree with all of the proposals.</p> <p>We would like to give the following feedback with respect to the above consultation:</p> <ol style="list-style-type: none"> <li>1. We do not think local residents will be well served - it will no doubt increase the £ value of existing HMOs (and is already doing so), but it will also decrease the value of non-HMOs. Are local residents really aware of this? We think not. We are landlords, so you could argue this is in our interest, since our properties are increasing value, but we still feel it is poor for local residents.</li> <li>2. We assume that the changes will then mean that the problems which are trying to be addressed will start to crop up elsewhere in the city. It feels as though the stable door is being shut after the horse has bolted. Other measures to try to ensure improved living environment for local residents with lots of HMOs and the conditions for HMO tenants, like the mandatory licensing, could be more effective and less expensive.</li> <li>3. Further, why not take it away from the whole city? What is the rationale of not doing so? Are you just making things tougher for students to find decent accommodation?</li> <li>4. At the time of recession, it does not seem appropriate to be spending council funds on this. We understand you cannot charge for this type of planning application since it is a removal of PD rights. This whole process will therefore have to be funded using money that could be used for something more worthwhile. This initiative will not improve the current situation. It aims, at most, to stop it worsening. As said above under point 2, we think there are more effective and efficient ways to do this.</li> <li>5. How will you deal with properties that are HMOs that require confidentiality, like women's refuges?</li> </ol> <p>We hope you find this feedback helpful and wish you good progress with your consultation.</p> <p>Best wishes,</p> <p>Josephine and Chris Vercoe</p>
Chris Dagnan, Resident	<p>I support the proposals as they will limit the detrimental impact on the local area of too many HMO's.</p> <p>I would prefer to see the limit lower - at 20%.</p> <p>Chris Dagnan</p>
C. Doring, Resident	<p>Dear Sir/Madam</p> <p>The number of Houses of Multiple Occupancy (HMO) in my area is so high that I feel I almost live on a University Campus. The balance between student and transient occupants in these properties is far too</p>

	<p>weighted now in their favour. Whilst having no objection to such tenants it is perfectly obvious that we long-term residents have become very much the minority and so are having our lives 'ruled' by the them. I have a family and the change in dynamics within my street and the surrounding ones over the last few years has been enormous.</p> <p>In no way can I support having 1 in 4 or 5 houses allowed to be HMOs. A much fairer and sensible percentage would be more in the region of 1 in 7. That way there would be a much more varied mix of people and community.</p> <p>Concerning the Additional Licensing it is precisely because of there being so many HMOs with owners no longer living in their properties and mainly youngsters residing in them that is causing the look of my and other areas to be so dreadful. Rubbish and parking are the two main problems but of course the health and safety aspects has to also be taken in to consideration. I want and feel entitled to decent street scene for my children and friends aswell.</p> <p>Houses MUST be looked after, kept in a decent state of repair - none of these dirty torn curtains: door bells not working so we hear people shouting out names of the occupiers of these properties: neglected gardens with weeds left to seed and then be blown on to those gardens where the owners have bothered to look after them and rubbish and left over rotting food in the front gardens and on the pavements.</p> <p>These are some of my reasons for supporting both the control of the growth of HMOs and Additional Licensing.</p> <p>C. Doring</p>
Brian Milligan, Resident	<p>I am writing to express my strong support for the proposal in the draft supplementary planning document on HMOs in Bath to refuse permission to change of use from a formal home to HMO in neighbourhoods with over 25 percent of the existing housing stock in use as HMOs.</p> <p>Brian Milligan</p>
Richard Sampson, Resident	<p>I support the proposal to refuse permission for change of use from a formal home to HMO in neighbourhoods with over 25 percent of the existing housing stock in use as HMOs.</p> <p>I would prefer the level to be even lower than 25 percent, my preferred level would be 20 percent.</p> <p>Richard Sampson</p>
Elaine & Anthony Townsend, Resident	<p>We are against any more students and landlords taking over houses in oldfield park area 1 in 7 is a better deal for residents</p> <p>Elaine and Anthony Townsend</p>

<p>Andrew Gordon-Duff, Widcombe Association</p>	<p>Dear Sirs</p> <p>On behalf of the Widcombe Association I write to confirm their support for the proposed new threshold policy whereby permissions for change of use from a family home to an HMO could be refused in neighbourhoods with over 25% of the existing housing stock in use as a HMO.</p> <p>Please do not hesitate to contact me if you have any queries.</p> <p>Yours sincerely <b>Andrew Gordon-Duff</b></p>
<p>Aileen Oldfield, Resident</p>	<p>Hi,</p> <p>I am writing to make my views known to you on the subject of the article 4 and the student population. I live in South Avenue in Westmoreland ward. We own our house and enjoy living in this community. I enjoy the fact that there are students around, (although I was never a student some of my children were and that experience was very important to them) However, I also believe that a community has to be balanced and at present this one is tipping into an imbalance of students being a majority and other various households being a minority. This is noticeable in the summer when the students are gone from here. Although they may think of themselves as part of this community and they have some sense that they contribute to the local economy I have to say, my observations have been that they do not engage with the residents of this area and they spend their money in sainsbury and it is a known fact that the largest percentage of money spent in supermarkets leaves the area, so there is not much benefit to us in them being here, plus the other problems that are numerous.</p> <p>Online is a report made by a consultant on this matter and a recommendation to keep the article 4 threshold to 20%, this is coming from an expert in the field. I was taken aback by councillor Sharon Ball who "persuaded cabinet to increase the percentage to 25%" according to her leaflet we had through our door.</p> <p>I have never met this lady and she certainly did not consult with us, the voters and council tax payers of Westmoreland, for our views on the subject. I live here 52 weeks of the year, I pay my council tax and I vote, I also work in Bath, so I feel that I am entitled to be consulted on matters that affect me.</p> <p>So I would prefer you to reduce the % of students to residents to at the most 20%.</p> <p>I would also like to see the council engage in communication with the universities over them providing more accommodation on campus for their students as in my opinion Bath, and particularly this ward along with Oldfield park have reached saturation point with student housing.</p> <p>Aileen Oldfield</p>
<p>Residential Landlords Association</p>	<p>About the RLA</p> <p>1. The RLA is a national landlords association operating</p>

	<p>in England and Wales. We have over 16,000 members. Our members own control over 150000 units of accommodation. Primarily our members are landlords in their own right but a number are managing and letting agents, some of whom are also landlords. Our members operate in all sub-sectors of the Private Rented Sector. Properties are rented out to families, working people, young professionals, the elderly, students and benefit customers.</p>
Introduction	<p>2. The RLA objects to the proposed Supplementary Planning Guidance (SPG). It is ill conceived and unwarranted. It is also premature. We would reiterate the detailed objections which we have previously lodged with the Council in relation to the imposition of an Article 4 Direction in respect of small HMOs within class C3 of the Use Classes Order. All these previous objections should be read as part of this objection. This policy is part of a wholly misconceived anti student drive by the Council, along with other local authorities. It is a misuse of planning powers and in particular discriminates against young people who seek accommodation of this kind. Although intended to impact on students it does, of course, apply equally to others such as young professionals and working people who are not students but who wish to live in this kind of accommodation. The policy is wholly negative in its terms and makes no provision to meet the needs and demands of this kind of accommodation in the city of Bath.</p>
National Planning Policy Framework – Assessment of Needs and Demands	<p>3. The NPPF is market led with a presumption in favour of sustainable development. It clearly requires local authorities to provide for all sections of the community including clearly young people and those who are seeking HMO accommodation. This requirement is <u>not</u> referred to in the National Planning Section which is clearly a defect in the SPG,</p> <p>4. NPPF and the associated guidance relating to strategic housing market assessments clearly require the carrying out of proper assessment of the needs and demands of all sections of the community, again HMO dwellers in relation to HMO accommodation. In connection with the Council's Core Strategy the Inspector has required further work on a Strategic Housing Market Assessment. In our correspondence with the Council there has been reference to the private rental sector generally but as we repeatedly had to point out HMOs such as shared accommodation</p>



need to be addressed. Conspicuously, the Council has failed to give a clear answer to our question in correspondence as to whether the required assessment which is in the course of being carried out will include a section devoted to HMO accommodation. This is a clear requirement under NPPF and without the required assessment of needs and demands the SPG has no validity. The Policy is, in any event, written in a wholly negative/restrictive terms and makes no provision for the required provision of this type of accommodation within the city. Again, it is defective.

5. Without such an assessment introducing the SPG is premature. The Council cannot make a proper decision without robust evidence of the need/demand for accommodation of this type.

The need for positive planning about where development which is needed is going to be provided

6. It must be a given that the Council considers that demand for HMO accommodation is going to increase. Otherwise, there would have been no need to make the Article 4 Direction in the first place if numbers were going to remain static or fall. Therefore, if you are going to restrict this accommodation in certain areas where else is it going to go in the city? No thought at all has been given to this and, again, the SPG is defective. In any case, as we pointed out in connection with the Article 4 Consultation, what will end up being provided as a result of this ill thought out policy? They are not going to be very happy people.

Suitable locality/property types

7. No thought at all seems to have been given in preparing the SPG as to the suitability of particular property types for use as HMO accommodation or the appropriateness of the location of this accommodation. In particular no consideration has been given to the impacts in terms of travel and traffic. HMO accommodation tends to congregate in certain areas e.g. Universities or places of employment or places which are convenient for travel to the city centre. The geographical map of the distribution of existing HMOS in Bath makes this clear that, as is usually the case, this has happened again here. They are within easy walking distance of City Centre, Universities etc Why then disperse further development around the city with problems including increased travel and congestion which will ensue. Again, it is ill thought out and misconceived in this regard. Certain property types, usually larger older properties, lend themselves to use/conversion for HMO accommodation. If the need/demand is going to be met elsewhere has any

thought been given as to what locations would be suitable for this (particularly in terms of travel) or importantly having regard suitability of property types. None of these items are addressed in the SPG which is wholly negative in its terms.

#### Planning issues justifying intervention

8. It is clear from Inspectors decisions in relation to this topic that concentrations of HMOs in themselves do not justify policies of this kind. Rather from the Council has to address ensuing dis-amenity resulting from such concentrations so as to justify the policy. This has not been done here. This is particularly important in relation to the student v non student issue because there seems little of no suggestion whatever that any problems result from non-students. It may well be the case that even though there are high concentrations in certain areas there are no resulting problems which justify the use of planning powers to restrict the number of HMOs in the way proposed.

#### The Supplementary Policy

9. The first test is convoluted. We can see no justification for the introduction of the so called buffer some which is arbitrary in its nature. Because of the small size in population terms of census output areas (as opposed to super output areas) the two legs of the test are repetitive.
10. As the Council admits it does not really have any information about the number of student HMOs so the figures used are nothing more than guestimates. There is no clear and objective justification of how the 25% figure has been arrived at and why the starting point of 18% (supposedly representing the number of students) is a justified figure to impose. It has all the signs of being plucked out of the air. Instead, this is an attempt to impose social engineering in pursuit of an anti-student agenda which is being embarked on to the detriment of the general wellbeing of the city. It is nothing whatsoever about issues of housing mix.
11. Likewise, there is no justification of the 100 metre figure which is being applied. It is entirely arbitrary.
12. Worryingly, there is reference to concerns over displacement. This confirms the Council's mindset; it is all about restricting the hated students not proper planning. Of course, if there is need/demand for this accommodation there is going to be displacement elsewhere. Like so many local authorities the Council seem to be so obsessed about the presence of students that they fail in their responsibilities to ensure the accommodation needs of all members of the community are met. This is particularly important in times of financial austerity for those wanting cheaper accommodation especially as they are unable to afford owner/occupation.

13. In terms of stage 1 there is reference to “about 25%”. What does this mean? Does it mean that 23% is not acceptable or 21%?

#### Information about HMO accommodation

14. Use of Council Tax Student Exemption Data – although not highlighted in the box it is indicative in the text that Council Tax Student Exemption Data will be used to calculate the numbers of HMOs. This is unlawful under the Data Protection Act. This has been acknowledged by Southampton City Council but is disputed by Portsmouth City Council for example. We have therefore made a complaint to the Information Commissioned which is awaiting determination at the present time. The use of this data is contrary to the Data Protection Act as it involves the processing of personal data. The existence of the claim for exemption can be linked to a particular property and therefore individual data subjects are capable of identification. In any event, this data has been collected for a wholly different purpose in connection with the administration of Council Tax (not planning enforcement).
15. Clearly without the use of this data (which is unlawful) the Policy would not be workable and it would not be possible to accurately calculate the number of HMOs in a given area. Clearly with such a complex system the reliability of data is very important.

#### Use of Information to Calculate Numbers

16. No reference is made in the Guide to access to the data so that reliability can be checked. Will the same properties be identified which are said by the Council to be HMOs? Again, experience with Portsmouth has showed that the evidence produced by the Council was so unreliable that it had to be withdrawn from the Council’s website to enable it to be reviews. It was clear to those who were intimately involved that many were not in HMO accommodation at all.

#### Change of Use in Areas where there are high concentrations

17. A particular problem which has emerged as a result of policies of this kind is the problem if the existing owner/occupier living in an area where there is a high concentration of HMOs e.g. a street of 20 where 18 properties are already HMO accommodation. The reality is that families will not want to move into this accommodation. The owner/occupier left high and dry with no one to buy their property where a change of use to an HMO cannot be obtained. This is a very important issue and will no doubt result in time in a revolt by many owner/occupiers who wanted this policy. This issue has been raised as one of concern elsewhere and even the National HMO lobby accepts that in such circumstances

	<p>accepts a change of use would be appropriate. This has not been discussed in the draft.</p> <p>Preserved Rights Flipping</p> <p>18. We would reiterate the points we made about this issue in our original response in relation to the Article 4 Direction. We consider that it will be particularly important in an area such as Bath where accommodation might be rented out in term time for a family for a holiday let. In any event, it is extremely important to preserve the flexibility of the housing market. In any event, it is extremely important to preserve the flexibility of the housing market. Under permitted development rights the use of a C4 HMO can be changed to a C3 dwelling (assuming that there is material change of use involved) without planning permission but under this policy if the owner then wanted to revert to multiple occupation within Class C4 planning permission would be needed. Clearly, if the property is located in an area where there is a concentration above the 25% level proposed then presumably this provision would not be forthcoming. This is also important when there are times of uncertainty regarding student numbers which may well increase again. If however, temporarily a property cannot be let to students where it normally has been in the past a landlord would be dissuaded from renting it to a family even though it might be much needed accommodation for that family. The City of Bath is already experiencing a high shortage of accommodation. Thus, family accommodation can be lost as a result of this policy. We strongly urge a provision that allows for flipping between the two use classes where a property is established as a small HMO so it can be used in this way.</p> <p>Conclusion</p> <p>19. For all the reasons outlined the SPG is inappropriate. It is in any case premature until a Strategic Housing Market Assessment has been completed.</p>
Amanda Grundy, Natural England	<p>Thank you for seeking Natural England's comments regarding the above. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. The Council is preparing a Supplementary Planning Document (SPD) in relation to the distribution and dispersal of Houses of Multiple Occupation (HMO) in Bath.</p> <p>We have considered the screening assessment of the nature and purpose of the SPD against the requirements of the criteria set out in the SEA Directive.</p> <p>Our understanding is that the proposed HMO SPD will offer guidance to supplement higher tier policies, which is likely to result in generally</p>

	<p>positive benefits for the local neighbourhood, but will have little external influence including on the natural environment. Based on the information provided, we are satisfied the Council's conclusion that the <i>Houses in Multiple Occupation Supplementary Planning Document</i> will not give rise to significant environmental effects and that <b>a Strategic Environmental Assessment is not required</b> appears reasonable.</p> <p>We hope this letter is clear and helpful. For any correspondence or queries relating to this consultation only, please contact Amanda Grundy on 0300 060 1454. For all other correspondence, please contact <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>.</p> <p>We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.</p>
Rohan Torkildsen , English Heritage	<p>Hello Cleo, thank you for consulting English Heritage on both the SPD and the SEA screening.</p> <p>Have considered both I can confirm that I have no comments to make on either.</p> <p>Regards Rohan</p> <p>Rohan Torkildsen</p>

Annex C: E-petition from Bath Spa and University of Bath Students Unions

## ePetition details

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### **Proposed Cap on HMOs (shared housing) in Bath and North East Somerset.**

**We the undersigned petition the council to not support an Article 4 Direction. We believe that a balanced community cannot prescribe that one type of household must be in a minority. We believe that there should not be a cap on the number of HMOs anywhere in Bath & North East Somerset and we do not support an Article 4 Direction.**

Bath and North East Somerset Council are proposing the implementation of an Article 4 Direction which would mean that restrictions would be made on the numbers of HMOs (shared housing) coming into existence in the future. The proposed cap, as stated in the September 2012 Supplementary Planning Document, is 25% of houses within a 100 metre radius. This type of housing is relied upon by young professionals, trainee teachers and nurses, those on low incomes, students and anyone else sharing a house with 3 or more unrelated people.

A summary of the potential consequences of an Article 4 Direction written for the National Housing Voice Report can be found at this link:

<http://www.bathstudent.com/pageassets/campaigns/article4/Article-4-Directions-summary-1.pdf>

The proposed SPD can be found at this link-Agenda Item 15 appendix A-

<http://democracy.bathnes.gov.uk/documents/g3251/Public%20reports%20pack%2010th-Oct-2012%2018.30%20Cabinet.pdf?T=10>

Banes' Feasibility Study, which found no link between anti-social behaviour, noise and HMOs can be found at this link:

<http://democracy.bathnes.gov.uk/documents/s15868/AppxAFeasibility.pdf>

More information and supporting documents can be found at: <http://www.bathstudent.com/article4>

The council will be running several consultation events on this legislation, the locations of which you can see below:

Bath Spa University  
Stall @ Students' Union  
18th October  
11am – 2pm  
University of Bath  
Stall @ Students' Union  
23rd October  
11am – 2pm

One Stop Shop Manvers Street  
Open Public Drop-in event  
23rd October  
6pm – 8.30pm

Oldfield Park Baptist Church, Moorland Road  
Open public Drop-in event  
25th October  
3 – 5pm

St Alphage Parish Hall, Oldfield Lane  
Open public Drop-in event  
25th October  
6-8.30pm

This ePetition ran from 02/10/2012 to 28/02/2013 and has now finished.

**698 people signed this ePetition.**

See: <http://democracy.bathnes.gov.uk/mgEPetitionDisplay.aspx?!ID=10&RPID=6002264&HPID=6002264>



**Annex D      Summary of Consultation Events on draft SPD and  
Additional Licencing Proposals**

# Bath & North East Somerset Council

## HMOs

### Summary of Consultation

Issue | 13 December 2012

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number TBC

**Ove Arup & Partners Ltd**  
4 Pierhead Street  
Capital Waterside  
Cardiff CF10 4QP  
United Kingdom  
[www.arup.com](http://www.arup.com)

# Document Verification

ARUP

<b>Job title</b>		HMOs		<b>Job number</b>	
				TBC	
<b>Document title</b>		Summary of Consultation		<b>File reference</b>	
<b>Document ref</b>					
<b>Revision</b>	<b>Date</b>	<b>Filename</b>			
Draft 1	13 Dec 2012	<b>Description</b>	First draft		
			Prepared by	Checked by	Approved by
		Name	Ann Cousins		
		Signature			
Issue	13 Dec 2012	<b>Filename</b>	Summary of consultation FINAL 13.12.12.docx		
		<b>Description</b>	Updated to incorporate comments from client		
			Prepared by	Checked by	Approved by
		Name	Ann Cousins	Ann Cousins	Wayne Dyer
		Signature			
		<b>Filename</b>			
		<b>Description</b>			
			Prepared by	Checked by	Approved by
		Name			
		Signature			
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			Prepared by	Checked by	Approved by
		Name			
		Signature			
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# 1 Introduction

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## 1.1 Background

A joint consultation is being run by the Planning and Housing Services as the Council is seeking to use available powers to gain extra control over Houses in Multiple Occupation (HMOs) in Bath to:

- control their future growth
- improve their standard and management

### 1.1.1 Planning Proposals

Following a consultation on the proposal to introduce an Article 4 Direction in Bath between May and July 2012, a further consultation is underway on the proposed Supplementary Planning Document (SPD), which sets out the policy that applications for new HMOs in the city would be assessed against. The consultation ran from 18<sup>th</sup> October to 30<sup>th</sup> November 2012.

### 1.1.2 Licensing Proposals

The Council has undertaken research to consider whether additional licensing is necessary and if so, which areas of the district would benefit most. The Wards of Widcombe, Westmoreland and Oldfield have been initially identified as areas that may potentially benefit from a scheme. A consultation ran on these proposals from 17<sup>th</sup> September to 30<sup>th</sup> November 2012.

## 1.2 Overview

To complement the online consultation, a number of events were held to further gather views on the proposals:

- Presentation to members of the National Landlords Association (NLA) of Wessex, 17<sup>th</sup> October
- Market Stall at Bath Spa University Students' Union, 18<sup>th</sup> October, 11am – 2pm
- Market Stall at University of Bath Students' Union, 23<sup>rd</sup> October, 11am – 2pm
- Open Event at One Stop Shop, Manvers Street, 23<sup>rd</sup> October, 6-9pm (with briefing presentations)
- Open Event at St Alphege's Parish Hall, Oldfield Lane, 24<sup>th</sup> October, 5.30-8pm
- Open Event at Oldfield Baptist Church Hall, Moorland Road, 25<sup>th</sup> October, 3-7.30pm
- Polish Community Information Event, St John's Catholic Primary School, 27<sup>th</sup> October, 1-4pm

## 2 Summary of Event Feedback

### 2.1 National Landlords Association

A presentation was made to approximately 70 members of the local Wessex branch of the National Landlords Association, giving an overview of the proposals and the consultation. Approximately 15 one-to-one conversations were held following the presentation.

The key issues raised were as follows:

#### Additional Licensing

- Additional licensing was perceived by many as a tax on good landlords; a bureaucratic and expensive process with nothing in return
- Not convinced on some of the criteria e.g. energy efficiency
- A way of the Council funding services that used to be free to landlords e.g. voluntary accreditation and not convinced how this will be enforced. Need better enforcement on bad landlords

#### Planning Controls

- Concern that this will bring inflexibility of rental to families/HMOs
- Agree a simple and clear approach is needed as otherwise this could slow down sales and purchase
- Many already have their property portfolios so this would not affect them. Those with 2 bed properties in the high concentration areas expressed that they were considering introducing an extra bedroom before the new planning controls came into effect.

### 2.2 Bath Spa University Students' Union



A market stall was held near the entrance to the Students' Union. We spoke to approximately 40 people, and Students' Union staff and sabbatical officers engaged with many more. The majority of visitors to the stall were students living in HMOs, but we also engaged with members of staff, some of whom were Oldfield Park residents.

#### Additional Licensing

- There was recognition of the negative quality of housing that many had experienced.

- There was a worry about costs passed on to students / tenants in rental prices, as the rental market is already expensive in Bath.
- Some questions were asked about particular conditions e.g. outside recycling receptacles – does not sound practical when most people don't use these. People were generally not supportive aesthetic improvements.
- There were concerns raised about enforcement and that bad landlords would stay “under the radar”

### Planning Controls

- The two Universities' Students' Unions had created an online e-petition against the proposed Article 4 Direction. Many students supported this view.
- Many of these students were concerned about too much control about where students can live – there should be free choice and students like to live together otherwise can be isolating
- Some happy with approach – like the idea of more balanced community and do not want to live in a student ghetto.

## 2.3 University of Bath Students' Union



A market stall was held near the entrance to the Students' Union. We spoke to approximately 45 people, gave information to many more, and Students' Union sabbatical officers engaged with more still. The majority of visitors to the stall were students living in HMOs, but we also engaged with members of staff living in HMOs, landlords, and interested local residents.

### Additional Licensing

- There was recognition of the negative quality of housing that many had experienced.
- There was a worry about costs passed on to students / tenants in rental prices, as the rental market is already expensive in Bath.
- There was some mis-understanding about how onerous and costly it would be to comply with the proposed licensing conditions (both on the part of landlords and tenants).

### Planning Controls

- The two Universities' Students' Unions had created an online e-petition against the proposed Article 4 Direction. Many students supported this view.



- Many of these students were concerned about too much control about where students can live – there should be free choice and students like to live together, otherwise can be isolating.
- There was a feeling that students have a bad name and that the reality is not as bad.

## 2.4 One Stop Shop



A Drop-in session was held at the One Stop Shop on Manvers Street, with two briefing presentations. Fifteen people attended, and there was a mix of landlords, letting agents, residents' associations, and others.

### Additional Licensing

- There were a variety of views, ranging from full support to various concerns about implementation, and a feeling that good landlords are already doing this.
- There was discussion about whether this could create a “black market”, with illegal sub-letting of rooms (i.e. an extra room being sub-let in two-bed house, to avoid being licensed.)
- There was some discussion about whether this would reduce the HMO market, with landlords choosing to let to families instead.
- There were requests made to minimise bureaucracy and paper work as much as possible.
- There was a concern that additional licensing could ruin good relationships the Council already has with landlords, and questions were raised over why it is being proposed.
- There was a comment that it should be extended to cover the whole of B&NES.

### Planning Controls

- There was concern about accessibility by public transport to areas which might see a rise in numbers of HMOs as a result of the proposals.
- Many were positive about the aims of the proposals, but some concerns remained about whether the implementation would deliver these aims.

## 2.5 St Alphege's Parish Hall

A drop-in session was held at St Alphege's Parish Hall. Twenty-one people attended, mainly local residents, but also some landlords.



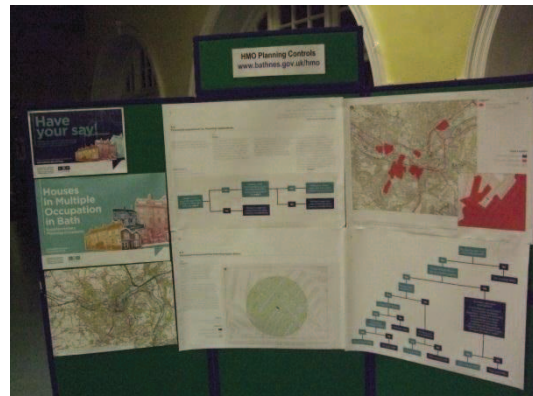
### Additional Licensing

- There was general consensus in support of the licensing proposals, with some asking why it had not been brought in earlier.

### Planning Controls

- Views were generally positive; with some disappointment it could not be retrospective.
- There was some discussion about the potential for specific roads to be exempted (Lorne Road), as residents are concerned about the saleability of family houses if these proposals are introduced.

## 2.6 Oldfield Baptist Church Hall



The drop-in event at Oldfield Baptist Church hall attracted over 80 people. These were mainly local residents, but also some local businesses, landlords and letting agents.

### Additional Licensing

- Most people were supportive. Local residents were particularly supportive of the waste and gardening conditions.
- Landlords expressed concerns about the costs being too high, but some local residents felt costs were too low.
- Some comments were received that there should be conditions relating to noise and sound insulation.
- Views were expressed by both landlords and residents that there must be strong enforcement on the bad landlords.
- Some comments were received that licensing may not improve HMO quality.

## Planning Controls

- Most people were supportive of the proposals.
- There were some attendees who felt the threshold should be lower than 25%.
- There were some questions raised about data reliability, and suggestions that council tax exempt properties but be a better source of data.

## Other Comments

- Many people felt that landlords should be paying council tax, on student properties that would otherwise be exempt
- There were concerns raised about parking, and the fact that it will not be addressed by the proposals put forward. People did not necessarily think that it should be dealt with through planning or licensing.

## 2.7 Polish Drop-in Information Event



B&NES housing and planning officers were invited to a drop-in information event for the Polish Community at St John's Catholic School. A short presentation was given, on housing services generally, and the consultations specifically (with an interpreter). There was also a stand with information on the consultations.

Eight people attended from the Polish Community, and a total of over 20 people were present, including representatives from:

- Bath Racial Equalities council,
- Curo
- CAB
- BANES Family information service
- Avon and Somerset Police
- Sirona
- Chair of the Council – Rob Appleyard

There was concern raised that rents in and around Bath are already very high. A question was asked as to whether there would be a limit on the number of people who can live in a shared house.

A question was also raised as to whether the Article 4 Direction will apply retrospectively.

## Appendix A

### Licensing Questionnaire - tallies

## A1 Licensing Questionnaire – tallies

Boards were put up at many of the events to gather responses to a set of questions relating to the additional licensing proposals. Attendees were given dots to respond to the questions as set out to the right.

The responses received are set out in the tables below.

### A1.1 University of Bath

		Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1.	The Council should proceed with additional licensing?	1	2	3	1	2
2.	Additional licensing will improve the condition of HMOs?	1	4	3	1	0
3.	Additional licensing will help improve the local area?	0	1	3	3	2
4.	Additional licensing will improve the management of HMOs?	1	5	2	0	1
5.	The Council is targeting the right properties for additional licensing?	1	0	2	2	4
6.	The Council is targeting the right areas for additional licensing?	1	1	0	5	2
7.	The proposed conditions will help improve how HMOs are managed?	1	3	3	1	1
8.	The proposed conditions will help improve the safety and quality of HMOs?	1	4	2	0	2

## A1.2 St Alphege's Parish Hall

		Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1.	The Council should proceed with additional licensing?	7	0	0	0	1
2.	Additional licensing will improve the condition of HMOs?	4	2	1	1	0
3.	Additional licensing will help improve the local area?	4	2	1	1	0
4.	Additional licensing will improve the management of HMOs?	5	2	0	0	1
5.	The Council is targeting the right properties for additional licensing?	6	0	2	0	0
6.	The Council is targeting the right areas for additional licensing?	6	0	1	0	0
7.	The proposed conditions will help improve how HMOs are managed?	4	0	2	1	0
8.	The proposed conditions will help improve the safety and quality of HMOs?	4	3	1	0	0

## A1.3 Oldfield Baptist Church Hall

		Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1.	The Council should proceed with additional licensing?	18	3	0	1	0
2.	Additional licensing will improve the condition of HMOs?	19	0	0	1	0
3.	Additional licensing will help improve the local area?	10	6	1	1	0
4.	Additional licensing will improve the management of HMOs?	10	5	0	1	0
5.	The Council is targeting the right properties for additional licensing?	5	3	0	2	0
6.	The Council is targeting the right areas for additional licensing?	12	0	0	2	0
7.	The proposed conditions will help improve how HMOs are managed?	8	3	0	0	0
8.	The proposed conditions will help improve the safety and quality of HMOs?	8	5	0	1	0

These tables show that local residents tended to be in favour of additional licensing; believing that they would improve the condition of HMOs, and help improve the local area. Views at the University of Bath were more mixed. Many of those who felt that the Council was not targeting the right areas wanted to see it introduced across a wider area of the city.

## **Appendix B**

### **Leaflets and posters**



## B1 Council Leaflet

Bath and North East Somerset produced a leaflet to encourage people to attend the consultation events, or to respond to the consultation in other ways. The approximate numbers of leaflets distributed on two occasions is set out below.

### Places Visited to Distribute Leaflets, 11/10/12

#### Ralph Allen - North Road

Camomile Clothes x 5 and 1 in window

Bath Bakery North Road x 10

Pet Shop x 1 in window - £2

North Road Pharmacy x 10

#### Widcombe Parade

Roundabout Baby Clothes x 8

Widcombe Rental Solutions x 6

Widcombe Health Foods Shop x 5

Widcombe Pharmacy x 5

Widcombe Surgery and Pharmacy x 8

Kindling Coffee Shop x 8

Mcolls Widcombe x 1 in window £3

Locksmith x 8

Lennie's Coffee Shop x 8

Laundrette x 8

Roman City x 8

Bath Property Shop x 10

Widcombe Baptist Church x 5

#### Moorland Road

Baptist Church x 4

Post Office x 5

Velo Lounge x 5

Herbie's Fish and Chips x 5

Bath Bakery Café x 4

Sainsbury's Local x 2

Freshlets Agents x 8

New Leaf Health Foods x 5

#### Kingsway

Tesco Express x 1 on notice board

#### Lower Bristol Road

The Lunch Company x 5

Café 84 x 5

Sainsbury's Notice Board x 1

Green Park Notice board x 1

Lime Lounge x 5

Out to Lunch x 5

Trustease x 8

#### Twerton

Boots Pharmacy x 8

Time Bank Volunteer Shop x 2

Co-op x 2

Bakery x 4

Pub in central high street Twerton x 5

#### Chelsea Road

Post Office x 2 - Cost £5 – have receipt

Andrews Estate Agents x 10

Other Estate Agent x 10

Bath Bakery x 10

Laundrette x 10

Chelsea Café x 10

#### Bear Flat

Bear Flat Pharmacy x 6

Andrews Estate Agents x 8

Co-op x 8

The Bear Pub Notice Board x 2

Bear Flat Tesco Express x 2

Fidalius Letting x 5

### Business premises visited - 26th November 2012.

169 information leaflets were delivered by hand.

Areas included:

- Moorland Road – all premises
- Shaftbury Road – all premises
- Wells Road – all premises
- Wellsway
- Pulteney Road – Royal Oak,

- Coronation Avenue – all premises
- Claverton Street – all premises
- Lower Bristol Road – all retail outlets and small medium business from Twerton to Widcombe (within proposed area)
- North Road – McColls, Co-Operative, Dudley Taylor Pharmacy, Coombe Down Hardware, Bath Bakery, Seafood, Chip shop, Forester and Flower
- Widcombe Hill – Widcombe Social Club, Mitchell Taylor Workshop, Naturel Theatre, White Hart Pub,
- Kip McGrath, education centre, Bath, Jews Lane
- St Mark's Community Centre, St Mark's Place
- Bath MOT Centre
- Methodist Free Church, High Street, Twerton
- Homemaker, Widcombe Church of England Primary School, Widcombe Baptist Church
- Rosemary Place industrial units (off Lower Bristol Road)
- The Victoria, Millmead Road
- Artistic Plastercraft, Lyndhurst Road
- Marko photography, Dorset Close
- Charmbury Arms, Brook Road
- Genesis Furniture project, Oldfield Park
- Bronzeduke, Bellotts Road
- Partisan, Burnham Road
- Christian Science Church, Claverton Street
- Digital Print, Lorne Road
- Moorfields Inn, Wellsway

#### Ethnic food outlets

- Ruposhi – Widcombe
- Mint Room – Claverton Street
- Happy Garden – Coronation Ave
- Royal Dragon – Coronation Ave
- Adel's takeaway – Shaftbury Road
- Panahar – Moorland Road
- Polski shop – Moorland Road
- Cheong Sing
- Peking Chef
- Mouchuck Wells Road

# Have your say!

We want your views on new planning and licencing controls over houses in multiple occupation (HMOs) within Bath

Find out more and respond online at  
[www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)

**Bath & North East  
Somerset Council**

**L D F**

Bath and North East Somerset  
Local Development Framework

This joint public consultation is being run by the Council's Planning & Housing Services. Bath & North East Somerset Council is seeking to use available powers to gain extra control over houses in multiple occupation, to:

- control their future growth
- improve the standard and management of these properties

### The Planning Control proposals

- "Article 4 Direction" which will mean planning permission will be needed to change use from a family home into a small house in multiple occupation from 1st July 2013
- Introduce detailed policy to determine these planning applications. Neighbourhoods with high existing concentrations of houses in multiple occupation will have future restrictions imposed.
- Planning controls cannot be applied to existing houses in multiple occupation

*The draft Houses of Multiple Occupation in Bath: Supplementary Planning Document* outlines the proposed policy approach and will show whether your house/ street will be affected by the future planning controls.

*The consultation on this Supplementary Planning Document is subject to Cabinet approval of the draft document for public consultation. The Cabinet meeting to decide this will be held on 10th October 2012.*

### The Housing Licencing proposals

- The Council is considering extending its current licencing scheme to require all shared houses in multiple occupation centred around Oldfield, Westmoreland and Widcombe to be licensed.
- Landlords will have to apply for a licence from the Council which will contain conditions to improve standards and management.
- This will be applied to new and existing houses in multiple occupation.
- This consultation will run from the 17th Sept – 30th Nov

The additional licencing consultation document outlines all the proposals in detail including the draft licencing criteria and a map of the suggested area to be covered.



### Events in Bath

#### Market Stalls

##### **Bath Spa University Student Union**

18th October, 11am – 2pm

##### **University of Bath Student Union**

23rd October, 11am – 2pm

#### Open Events

Drop-in at anytime during the session

##### **One Stop Shop, 2 – 4 Manvers Street**

23rd October, 6 – 8.30pm

*Briefing presentations will be run at 7pm and 8pm*

##### **St Alphege's Parish Hall, Oldfield Lane**

24th October, 5.30pm – 8pm

##### **Oldfield Baptist Church Hall, Moorland Road**

25th October, 3 – 5pm

*Both consultations run until 30th November 2012.*

## B2 Leaflets and posters

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A selection of the leaflets and posters that were used by others to advertise the events and the consultations are shown below.



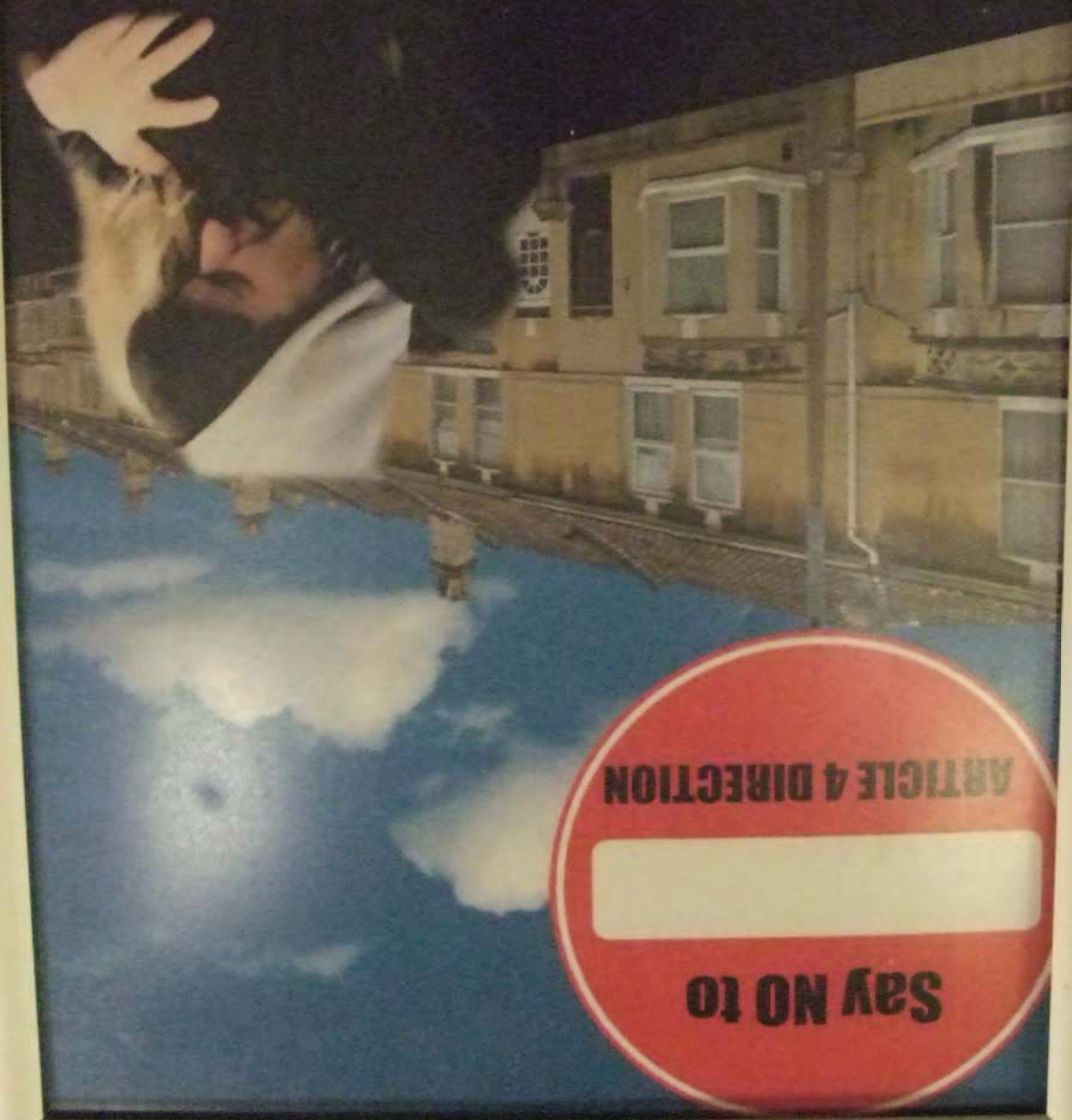
**STOP plans to DICTATE where STUDENTS can LIVE!**

**Help by signing this petition**

**[www.bathspasu.co.uk/article4petition](http://www.bathspasu.co.uk/article4petition)**

**For more info go to the SU Website or email**

**[su-welfare@bathspa.ac.uk](mailto:su-welfare@bathspa.ac.uk)**





# FOCUS

... on Westmoreland

[www.sharonball.org.uk](http://www.sharonball.org.uk)



Edited by Cllr Sharon Ball and Sarah Moore

## Welcome to the Area

Councillor Sharon Ball and Local Liberal Democrat Campaigner Sarah Moore would like to welcome all the new residents to the area.

We are keen to ensure all residents enjoy their community and would like to ask you to take time to get to know your neighbours and us. If you experience any issues we would like you to contact us to discuss them.

Look out for further leaflets through your door shortly inviting you to meet with Sharon and Sarah, or check on-line at [westmorelandcommunitynews.blogspot.co.uk](http://westmorelandcommunitynews.blogspot.co.uk).



## Residents consultation on Bath HMO growth controls

The first formal consultation on this issue revealed strong public support for the existence of an HMO (Houses in Multiple Occupation) planning policy.

Cllr Sharon Ball said: I am pleased that the Lib Dem Cabinet has agreed to take this to the next stage of formal consultation as there is clear public support for measures of control.

The proposals for Article 4 planning policy are in brief:

Planning permission will be required for future changes of use from family houses into HMOs across Bath from 1 July 2013. A two stage process will flag up whether a change of use is likely to be permitted at the earliest stage.



- At stage 1, if a property is located within an area with 25% or more existing HMO planning permission is likely to be refused for a change of use from a family house to an HMO and a more detailed stage 2 assessment is triggered. Sharon continued: "(We persuaded Cabinet to increase the percentage from 20% as recommended by the councils consultant as we believe this would be much fairer)."
- Where a property is not located within an area of 25% or more HMOs then change of use is likely to be granted subject to other planning considerations.

Lib Dem campaigner Sarah Moore said: "it is very important that all residents have their say in the consultation process on the Article 4 Planning Policy & the Housing Licensing Policy that is also out for consultation from now until 30th November."

To make your views known go online [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo) or write to Planning Policy, Planning Services, Bath & North East Somerset Council, PO Box 5006, Bath, BA1 1JG





between 1pm-2pm in the SU.

Come and talk to them TODAY



This will affect you!

The council are planning to change student housing.



# Do you trust local and national politicians with our future?

OUTDATED EDUCATION SYSTEM  
POLITICIANS TURNING THEIR BACK ON PLEDGES  
RECORD GRADUATE UNEMPLOYMENT  
LACK OF POSTGRADUATE FUNDING  
ATTACKS ON INTERNATIONAL STUDENT VISAS  
£9000 FEES  
STUDENT HOUSING RESTRICTIONS

**DO YOU FEEL POLITICAL SYSTEMS ARE FAILING US AS A GENERATION OF STUDENTS?**

**What can you do?**

1. Sign the petition against limitations on shared housing in [BathStudent.com/article4](http://BathStudent.com/article4).
2. Come along to Question Time with Don Foster (MP for Bath) and other key political figures - Friday 26th October 5:15pm EB 1.1.
3. Vote if you think Bath should support #Demo2012 - [BathStudent.com/demo2012](http://BathStudent.com/demo2012) from 26th October.

*"The national demo on November 21st is a vital part of shifting the momentum on to creating an alternative plan which works for our generation. In Bath local and national politicians have been turning their back on students and you need to use your voice to say that this is not good enough"*

Liam Burns, NUS President

**OUR FUTURE  
YOUR CHOICE**

University of Bath  
**Students' Union**

# Do you think local politicians should be allowed to make decisions which force rents up and restrict where you can live?

**The Council are pushing through strict controls (Article 4 Direction) which would stop houses becoming shared homes.**

**Did you know that as a student, this could:**

- Restrict your housing choices and limit your right to rent where you want
- Increase rent prices
- Force you to rent properties in parts of Bath with fewer bus services and fewer amenities
- Bring a lower quality of housing standards due to less competition
- Endanger students and force us to walk home further through potentially unlit areas
- Force students to live in expensive purpose built accommodation instead of experiencing real independence
- Also affect graduates, workers such as nurses and teachers on low income and anyone else sharing a house
- And more...

## WHAT CAN YOU DO TO STOP THIS DISCRIMINATION?

- **Sign the petition:**  
[BathStudent.com/article4](http://BathStudent.com/article4)
- **Get your friends to sign the petition by sharing the link on Facebook and Twitter!**
- **Come along to Question Time with Bath MP Don Foster and other key political figures - Friday 26th October 5:15pm EB 1.1**

**OUR HOUSING  
YOUR VOICE**

 University of Bath  
**Students' Union**



# Information Event

**for the Polish Community**

**Information  
Stalls**

**FREE**

**Refreshments  
available**

**Saturday 27<sup>th</sup> October 2012**

**Drop in between 1 and 4 pm**

**St John's Catholic Primary School**

**Oldfield Lane, Oldfield Park, Bath, BA2 3NR**

## **Speakers Include:**

**The Chair of B&NES Council, Cllr. Rob Appleyard,  
The Police, Curo Group, CAB, GMB  
Family Information Service, Housing Standards.**

**Interpreters on the day  
Easy parking nearby**

Organised by the Bath & North East Somerset Racial Equality Council, Tel: 01225 787918  
With funding from: Lloyds TSB



HERE 12.00 - 14.00

# Have your say!

We want your views on new planning and licencing controls over houses in multiple occupation (HMOs) within Bath

Find out more and respond online at  
[www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)



12:11:41

23 October 2012

## Appendix C

### Free text comments

## Public Consultation

### Proposals for additional licensing of Houses in Multiple Occupation (HMOs)

Housing Services  
Bath & North East Somerset Council  
PO Box 3343, Bath BA1 2ZH

Telephone: 01225 477000  
(main switchboard)

[www.bathnes.gov.uk](http://www.bathnes.gov.uk)  
[www.banes-pct.nhs.uk](http://www.banes-pct.nhs.uk)

#### Free comments form

The council should consider reducing the licensing fee for re-licensing especially if there are no substantial changes to the property.

Good, compliant, landlords should be rewarded and a discount given to those transferring from the Accreditation system.

Perhaps if not monetary awards cannot be afforded heavy discounts could be given for "wheelie" bins or any article that could help smooth implementation of additional proposals

The council needs the goodwill of landlords and it is imperative to get them on board



## Public Consultation

Proposals for additional licensing  
of Houses in Multiple Occupation (HMOs)

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Free comments form

The Council should publish full  
accounts re. HMO Licensing so  
landlords can see where their  
money is going.

- To prove non-profit making.
- Transparent accounts needed.

17.10.12

## Public Consultation

Proposals for additional licensing  
of Houses in Multiple Occupation (HMOs)

18/10/12.

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[www.banes-pct.nhs.uk](http://www.banes-pct.nhs.uk)

### Free comments form

- Resident of Bath - Lives near the Oval
- Generally a good idea.
- Give Students piece of mind.
- Raise standards



## Public Consultation

Proposals for additional licensing  
of Houses in Multiple Occupation (HMOs)

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Free comments form

23.10.12

- Unnecessary costs & paper work.
- Fees & paper work to make a simple variation is excessive.
- there should be different degrees of variation fees.
- Object to AL.
- Object to Cost to Landlords to licence properties under Proposed Schemes.

working together for health & well-being

## Public Consultation

Proposals for additional licensing  
of Houses in Multiple Occupation (HMOs)

23/10/12.

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[www.banes-pct.nhs.uk](http://www.banes-pct.nhs.uk)

Free comments form

→ Everyone deserves quality housing, so  
the jurisdiction of AL should be  
widened to incl. Flats & other areas  
of Bath.

£

## Public Consultation

Proposals for additional licensing  
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[www.banes-pct.nhs.uk](http://www.banes-pct.nhs.uk)

Free comments form

- Agree with additional licensing
- Problem of ~~the~~ family house shortage is more to do with house prices than students.
- Universities good for Bath's economy.



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Free comments form

Add. Licens fees should be higher  
to include the visits ONCE A TERM  
+ 1 extra number of staff employed  
to do this

We must have a breakdown  
of the fees made public

## Public Consultation

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Free comments form

Landlords should pay council tax.

More should be done to control parking  
- Residents parking (max. 2 cars per household).

- Buy-to-let market keeps house prices too high.  
Young people in the area are unable to afford houses locally.



## Public Consultation

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Free comments form

By placing constraints on HMOs you will  
reduce the amount of affordable housing for all  
young people (students, graduates & recreational  
employees). Licensing HMOs won't suddenly  
produce more affordable housing for families.

Landlords who have invested in good housing don't  
let it fall into decay. Students don't destroy the  
places they live in.

It is all a matter of give & take?

## Public Consultation

Proposals for additional licensing  
of Houses in Multiple Occupation (HMOs)

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Free comments form

25.10.12.

- Proposed licence fees are  
far too low & should be higher
- Tenants are paying for properties,  
& landlords are paying nothing.
- Landlords are making lots of  
money from their houses.



## Public Consultation

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Free comments form

25.10.12

- Area proposed should be extended
- Noise is a real problem from  
hmo's that needs to be dealt with.
- noise/<sup>sound</sup> insulation should be  
included as a condition
- Universities should pay for  
& manage their students better

## Public Consultation

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Free comments form

25.10.12

→ Proposed area should be  
extended to include Twerton  
which is highly populated by  
Students & HMOs.

## Public Consultation

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Free comments form

This must go ahead to save our  
community.

£750 licence every 5 years is  
not enough to charge. They are  
not contributing to our area, just  
making money

THEY SHOULD BE PAYING  
COUNCIL TAX!  
o

[planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk)

Article 4  
Responses  

---

Source URL: <http://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/houses-multiple-occupation-bath-article-4-dir>

Think worth over 75% approx.

Far so high.

Wait Janis back in.

No neighbours

No children

No community.

2x Agree with Article 4 proposal.

Problem of noise

& washing went away



## Public Consultation

### Proposals for additional licensing of Houses in Multiple Occupation (HMOs)

[hmo\\_licensing@bathnes.gov.uk](mailto:hmo_licensing@bathnes.gov.uk)

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Free comments form

Local Resident

1. Agreed with Article 4.

2. Agreement on additional licensing.

Amount of space per individual student is important.  
Recent example from student & family from Wexham.  
Regulation needed to ensure ~~certain~~ amount  
of space.

Current problem experienced is dumping of rubbish  
between 14. Kildas & Herbert Rd. Some rubbish  
from L/L & some from student. Abbey.



## Public Consultation

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24.10.12.

Free comments form

\* Landlords need to be responsible for  
maintaining their properties.  
→ especially the outside

→ Noise issues.

→ Outside appearance of hmo's

→ Dustbins - untidy & unsightly.

→ Some landlords don't care about their properties

→ Black bags left outside for a fortnight - now smelling

# **Article 4 Direction for Houses in Multiple Occupation in Bath**

**Draft Consultation Report, August 2012**

## **Contents Page**

- 1 Introduction
- 2 Public Consultation
- 3 Summary of key issues raised

## 1 Introduction

- 1.1 A public consultation in accordance with the *Town and Country Planning Act 1990* and *General Permitted Development Order 1995* (as amended) regulations was undertaken in relation to the Council's intention to implement an Article 4 Direction for the entire city of Bath. This report summarises the consultation undertaken, the key issues raised and also includes a full schedule.
- 1.2 The public consultation was held between 31<sup>st</sup> May and 20<sup>th</sup> July 2012.

## 2 Public Consultation

- 2.1 On 31<sup>st</sup> May the Council issued a [notice of its intention to implement an Article 4 Direction](#) for the entire city of Bath in relation to Houses of Multiple Occupation.
- 2.2 A [press notice](#) appeared in the Bath Chronicle on 31<sup>st</sup> as required by the regulations.
- 2.3 A statutory [site notice](#) was prepared with the details of the notice and the public consultation, 2 copies of which were advertised in the following public locations:

<b>District Centre</b>
Moorland road
<b>Local Centres</b>
Weston High Street
Chelsea Road
Twerton High Street
Mount Road
Frome Road
Bradford Road
The Avenue
Widcombe High Street
Bear Flat
Walcot Street
Bathwick Street
London Road
Julian Road
St James's Square
Larkhall shops
Claremont Terrace
<b>Libraries</b>
Central Library
Oldfield Park Library
Weston Library
<b>Shops (subject to agreement with premises either on community notice board or outside on the public highway)</b>
Sainsburys (Odd Down)

Sainsburys (Central)  
Sainsburys (Moorland Road)  
Coop (Moorland Road)  
Tesco (Englishcombe Lane)  
Tesco (Bathwick Hill)  
Coop Twerton High Street

**Other**

RUH main entrance  
Bath Spa University (main  
campus)  
University of Bath (main  
campus)  
St Saviours church (Lansdown)  
Warminster Road  
Whiteway  
Fairfield Park

- 2.4 Email/letter notification of the Article 4 Direction was send to all known planning contacts including statutory consultees (as contained within the B&NES LDF Mailing list) prior to 31<sup>st</sup> May 2012. This letter included: (i) a copy of the Article 4 Direction (and the plan annexed to the Direction); (ii) A copy of the consultation notice and (iii) a copy of the press notice features in the Bath Chronicle on 31<sup>st</sup> May 2012.
- 2.5 A notification letter, with the above items also included, was also send to the Secretary of State.
- 2.6 A specific webpage about HMOs was produced [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo) including copies of all documentation and details of the consultation were produced.
- 2.7 A [press release](#) was issued prior to 31<sup>st</sup> May which led to articles in the local media and a notice in the Council's *Inform e-bulletin*. Two such examples, featured in the Bath Chronicle are reproduced below.

## **Consultation on measures to control HMO growth**

Thursday, May 31, 2012

Measures to better control and manage the growth of Houses of Multiple Occupation (HMO) in Bath are moving ahead as part of proposals put forward by Bath & North East Somerset Council.

An intention to implement an Article 4 Direction to control HMO growth will be published on 31st May 2012. This will help deal with concern that some streets in Bath are now being dominated with high numbers of HMO's and consequently the availability of larger homes for local families is reducing. There are at least 3,000 HMO's across the district, the majority of which are in Bath, although there could be many more because not all HMO properties require registration with the Council.

The main element of the measures would result in all property owners in Bath having to apply for planning permission to convert a family house into an HMO. It is proposed that the new rules will apply from 1st July 2013 giving a one year notice period – although no property in HMO use before this date will be affected.

Councillor Paul Crossley (Lib-Dem, Southdown), Leader of Council, said, "The number of family homes being converted is reaching the level where people are concerned that entire communities will become dominated by HMO's. Bath & North East Somerset Council wants to ensure a fair mix of larger family homes and HMO's.

"We must have the policy tools in place to ensure that this happens just like other University cities, such as Bristol, Oxford, and Exeter, that have all agreed additional planning controls over HMO's. By starting the consultation now we are giving people reasonable notice about the new policy should the Council agree to adopt the Article 4 Direction."

### **Have your say**

The consultation on the measures starts on 31st May 2012 and continues for 7 weeks. People can give their views at [planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk) or write to the Council at: Article 4, Planning Services, PO Box 5006, Bath BA1 1JG. Details can also be found at [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)

### **Next Steps**

The details of the policy that planning applications will be considered upon will be contained in the forthcoming Supplementary Planning Document on HMOs in Bath that will be open to public consultation in October 2012. The Council will consider whether to confirm, abandon, or amend the Article 4 Direction in February 2013.

For all the latest news from the Council subscribe to its Twitter Feed: [www.twitter.com/bathnes](http://www.twitter.com/bathnes)



# Have your say on student homes plan for Bath

Friday, June 08, 2012

People are being invited to have their say on plans to reduce the concentration of student housing in some part of Bath.

Bath and North East Somerset Council has launched a seven-week consultation over proposed new rules, which would control the growth of houses of multiple occupancy (HMO).

The idea is to respond to concerns from families that areas such as Oldfield Park are dominated by these types of properties, pushing out local people.

However both of Bath's university students' unions have attacked the plans for what is called an Article 4 direction, arguing that they should not be told where they can or cannot live.

Naomi Mackrill, vice-president for community and diversity at the University of Bath's student union, said limiting HMOs would reduce the number of graduates staying in the city after their degrees, harming the local economy.

"Accommodation is a worry for students who want to stay in Bath. They just don't think they can afford to live in Bath," she said.

"Limiting the number of HMOs and improving graduate retention are two competing initiatives."

At the moment there are around 3,000 HMOs across the district, but the direction, if it was brought in, would apply only to new conversions.

It would mean that properties could not be converted into shared houses where 20 per cent of homes within a 100-metre radius already fell into that category of accommodation.

Council leader Councillor Paul Crossley (Lib Dem, Southdown) said any new rules would be brought in from July 1 next year, and he believed they were necessary to get the balance of types of housing right in the city.

He said: "The number of family homes being converted is reaching the level where people are concerned that entire communities will become dominated by HMOs. The council wants to ensure a fair mix of larger family homes and HMOs.

"We must have the policy tools in place to ensure that this happens just

like other university cities, such as Bristol, Oxford, and Exeter, that have all agreed additional planning controls over HMOs. By starting the consultation now we are giving people reasonable notice about the new policy should the council agree to adopt the Article 4 Direction."

People can give their views by emailing [planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk) or writing to Article 4, Planning Services, PO Box 5006, Bath BA1 1JG. Details can also be found at [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)

### **3 Public Consultation**

#### ***Overview***

A total of 359 responses were received to the Article 4 Direction consultation (although one was not registered as it contained racist comments). Only six of the responses were objections with the remaining responses in support of the Article 4 Direction and other measures to control HMOs in Bath.

The majority of the respondents were residents of Oldfield Park and Westmoreland. Some lower Weston and Widcombe residents also supporting the proposals. Other residents groups also replied in support.

English Heritage and local heritage groups Bath Heritage Watchdog and Bath Preservation Trust support the implementation of the Article 4 Direction, and felt the measures could also help improve the appearance and character of these areas.

One respondent supported the Article 4 Direction but requested that Lorne road in Westmoreland be exempted from the scheme.

Objections to the Article 4 Direction were received from the University of Bath and Bath Spa Student Unions, the National Landlord Association, the Residential Landlord Association and three individuals.

## ***Summary response***

The consultation gained a significant level of support, particularly from residents for both the Article 4 Direction and Additional Licencing. The key issues raised by respondents in **support** of the Article 4 Direction are summarised below.

- Belief that there has been a significant increase in HMOs in Oldfield Park and Westmoreland over the last 10 years
- Deterioration of appearance of properties is of concern
- Rubbish and recycling is considered to be a major issue related to HMOs – with spilt refuse being unsightly and attracting pests and with recycling receptacles blocking pavements
- Many residents felt that Students and young people in HMOs add vibrancy to the area but they also felt that HMOs are now beginning to dominate
- Many were concerned that families and young people looking to buy or rent property are being priced out by HMOs
- It is felt that non-student HMOs lets are still needed
- Westmoreland and Oldfield Park has reached saturation point in terms of HMOs
- Increase in student numbers should be tackled to stop the demand for more HMOs in future.
- Unkempt front and back gardens visually detracts from the area
- Late night noise and parties are associated with HMOs
- Irresponsible landlords and property owners are blamed for many of the issues
- On-street parking pressure is cited as one of the biggest issues linked to HMOs
- In the longer term it is felt that the concentration of HMOs will effect local schools as families are displaced
- Impact on facilities – take away and letting agencies are replacing local convenience shops on Moorland road
- Moving in and moving out at each side of the student term are the main times of the year when there are problems
- Sense that the Article 4 Direction will improve the quality of these neighbourhoods and help to bring back the sense of community
- Still support the proposals although consider that this might suppress existing value of family houses as they no longer have potential sales value of an HMO property
- There should be more student accommodation on campus and in specialist units (as on the Lower Bristol road)
- In the summer the area is too quiet with many houses remaining empty
- Universities should take more responsibility for housing their students
- There is a problem with HMO dwellers living in garages (Lorne road, Westmoreland) and in areas of Widcombe
- There is a view that HMOs are often over-occupied with extensions and loft conversions to fit extra people in the houses

- Many residents report that they live on streets with over 50% or perhaps more HMOs
- Belief that other approaches (such as voluntary accreditation) have failed to resolve the issues and concentrations of HMOs and associated issues have increased
- Issues related to HMOs in Lower Weston are also raised
- Sensible balance between different housing types needs to be resumed
- More direct ways to contact Landlords would be useful
- Landlords must be made responsible for property standards
- Less issues presented by Halls of Residence where they can be managed and other controls
- Rapid increase in HMOs is noted
- Many residents feel that greater control and professional management of HMOs is essential
- Estate agents “to let” signs are used as free advertising and should be restricted
- Residential parking permits would help

**One household in Lorne road, Westmoreland have requested that this street be exempted from the Article 4 Direction.** The reasons cited were:

- 88% of the street is HMOs meaning that the remaining owner occupiers will find it extremely difficult to sell their house in future when it can no longer be converted into an HMO
- Very few people would want to purchase on this road as a family home meaning that the remaining family homes will be devalued
- Support Article 4 Direction but only should apply to areas that still have a mix of housing to prevent future HMO saturation

The key issues raised by respondents in **objection** to the Article 4 Direction are summarised below.

Objector	Summary Response
National Landlord Association	<ul style="list-style-type: none"> <li>• Article 4 Direction should be the option of last resort</li> <li>• Believe that the creation of a small HMO is not a material change of use compared to a family house (citing appeals)</li> <li>• Limiting the number of HMOs will have a negative impact on accommodation for young people on low incomes</li> <li>• They cite a whole raft of existing statutory powers that can be used to control anti-social behaviour</li> <li>• Considerable need for rental accommodation in Bath because of high demand for housing</li> <li>• Will have a distorting impact on housing market as properties in existing HMO use will be regarded as premium investment assets</li> <li>• The Council should engage further with local landlords</li> </ul>

Residential Landlords Association	<ul style="list-style-type: none"> <li>• Repeat that they have already submitted a document entitled “The Case Against Article 4 Directions”</li> <li>• As yet not one of the 35 local authorities who have made these directions have made any changes as a result of the confirmation procedures</li> <li>• They will scrutinise any relevant planning policy</li> </ul> <p>The key reasons for opposition already cited in their paper are:</p> <ul style="list-style-type: none"> <li>• HMOs play a vital role in providing housing for students and working people. Alternative living arrangements for these people should be considered in the absence of HMOs.</li> <li>• The impact of the Article 4 will be felt by local residents as properties will be worth less after the Direction is in place</li> <li>• Restricting HMO supply will force up rents</li> <li>• Resultant planning applications can trigger no fee and this is therefore expensive for Council’s to implement</li> <li>• Displacing HMOs to other areas will bring new problems</li> <li>• Existing powers for dealing with issues such as anti-social behaviour should be used first</li> <li>• The Article 4 is not enforceable in reality as there is often no real change of use between a family house and an HMO</li> </ul>
Mr N Smith	<ul style="list-style-type: none"> <li>• Opposed on the basis of cost to the Council of implementation</li> <li>• Considers there is no evidence of harm caused by HMOs that has been presented by the Council to justify the approach</li> <li>• Believes that the Feasibility report is biased and written with a pre-supposed outcome</li> <li>• B&amp;NES is targeting the most disadvantaged (lower paid workers, singles on housing benefit, asylum seekers) who are likely to be displaced further from the city centre thereby increasing the social divide</li> <li>• Planning policy is a blunt instrument to deal with the issues - enforcement and action around community cohesion is recommended instead</li> <li>• HMOs are not the main cause of anti-social behaviour</li> <li>• The B&amp;NES Accreditation licencing scheme should be enhanced instead</li> </ul>
Mr A. Masters – Bath University Student	<p>On balance considers other measures to control anti-social behaviour should be employed rather than Article 4 Direction with Policy and Additional Licencing.</p> <p>Suggests further monitoring and more on campus student accommodation and later re-evaluate the need for an Article 4 Direction.</p>



<p>University of Bath Student's Union and Bath Spa University Student's Union</p>	<ul style="list-style-type: none"> <li>• Both are opposed to an Article 4 Direction for HMOs in Bath – many of membership are reliant on HMOs in order to live in Bath</li> <li>• There is no sustained argument as to why people living in HMOs are any worse than those in regular houses</li> <li>• There has been no proof that high concentrations of HMOs are a problem apart from rising house prices</li> <li>• Assert that the Article 4 Direction is not justified</li> <li>• Planning controls will not address the problems associated with inefficient management of HMOs</li> <li>• An Article 4 Direction will restrict the ability of the Housing Market to respond to local needs</li> <li>• Believe that all other options have not been tried</li> <li>• Equalities impact assessment shows that some groups are more adversely affected this contravenes B&amp;NES equal opportunities policy</li> <li>• Financial implications of implementing the Article 4 Direction and associated policy are highlighted as being very costly</li> <li>• Objections raised by the Bath Chamber of Commerce to the introduction of an Article 4 Direction are highlighted</li> <li>• Conflicts with the Council's strategy of increasing graduate retention</li> <li>• Practical issues with implementation in relation to transport need further consideration. Students rely on public transport access to dedicated services to the Universities is important in deciding where to live. There is already a bottleneck at the city centre at peak times and further dispersal of HMOs will exacerbate this problem. Travelling home at night is also a consideration and students prefer to be on the main bus routes.</li> </ul>
<p>Cllr Nicholas Coombes</p>	<ul style="list-style-type: none"> <li>• In principle objection that restriction in converting between family house and a small HMO implies that the latter is less desirable, not all HMOs cause issues.</li> <li>• Restricting the supply of HMOs will allow existing HMOs to fall in quality. This is counter-productive in terms of improving areas with concentrations of HMOs.</li> <li>• It is not retrospective so it will not lead to improvements or reduction in concentrations of HMOs in areas with existing high HMO concentrations</li> </ul>

A full schedule of all of the comments made is available in a background paper to this report.

Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	12 June 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2553
TITLE:	Housing in Multiple Occupation: Additional Licensing	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1: Proposed designation</p> <p>Appendix 2: Evidence report</p> <p>Appendix 3: Consultation report</p> <p>Appendix 4: Equalities Impact Assessment</p> <p>Appendix 5: Legal opinion (exempt report)</p>		

## 1. THE ISSUE

- 1.1 On 14 March 2012 Cabinet resolved to request that evidence be gathered to ascertain whether the legislative conditions for introducing additional licensing of Houses in Multiple Occupation (HMOs) could be met, and if so, undertake a 10-week public consultation exercise. This report informs Cabinet of the results of these activities and seeks a decision on whether to designate part of Bath as an area subject to additional licensing for specified types of HMOs.

## 2. RECOMMENDATION

The Cabinet agrees that:

- 2.1 An additional licensing scheme, as detailed within the designation report attached in appendix 1, is introduced for a period of 5 years commencing on the 1<sup>st</sup> January 2014 with licence applications being accepted from 1<sup>st</sup> October 2013.
- 2.2 The fee structure, as set out in annex 4 of appendix 1, is adopted for both the additional licensing and the mandatory licensing schemes.
- 2.3 The Head of Housing undertakes the appropriate and statutory steps to enable the introduction of the proposed additional licensing scheme.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 Housing Services has already incurred costs investigating the feasibility of additional licensing including developing the evidence base and undertaking the consultation exercise. These costs were not part of Housing Services financial plans and have been met by a re-prioritisation of existing work streams.
- 3.2 Licensing is both administratively complex and resource intensive. From experience of the existing mandatory licencing scheme, and looking at other schemes, the author estimates that for every 1,000 HMOs brought into licensing 4 permanent staff, or the equivalent resource, is required. However, fees can be levied to cover the administrative costs of licensing including back-office functions and property inspections. Current mandatory HMO licensing fees start at £750 for a 5 year licence. However, with the added quantum of additional licensing it is considered that we will be able to achieve economies of scale that could be exploited, including re-designing the administration around e-work flow systems (apply for it/pay for it on-line). This would reduce the unit costs of both mandatory and additional licencing whilst still ensuring that the scheme remains cost-neutral to the Council.

### **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**

#### **Background**

- 5.1 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 licence is an offence punishable by a fine up to £20,000.
- 5.2 On 14<sup>th</sup> March 2012 Cabinet were presented with a report by consultants ARUP who were consulting residents and interested parties around the issue and impacts associated with the proliferation of HMOs. This report suggested that additional licensing could be beneficial in addressing some of the local residents' concerns. Cabinet therefore resolved to request that evidence be gathered to ascertain whether the legislative conditions for introducing the additional licensing of Houses in Multiple Occupation could be met, and if so, undertake a 10-week public consultation exercise. The outcome of this process would be subject to a further report to Cabinet whereby a decision will be made whether to implement additional licensing, and if so for what parts of the District and classes of Houses in Multiple Occupation.
- 5.3 Introducing additional 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. 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 relatively low numbers of additional licensing schemes that exist at present, though in the last few years there have been an increase in the use of these powers.

- 5.4 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 principal 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.
- 5.5 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. That is firstly that there is genuine persuasive evidence that

*“a significant proportion of HMO’s [to be included in the scheme] are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems for those occupying the HMO’s or for members of the public”.*

Secondly, the Council must consider whether there are any other courses of action available to it that might provide, either alternatively or additionally an effective method of dealing with the problem or problems. Finally the authority must be satisfied that making the designation will

*“significantly assist [it] to deal with the problem, whether or not it takes any other course of action as well”.*

### **The Evidence Base**

- 5.6 Appendix 2 contains the evidence base for introducing additional licensing. It includes the following headline information:
- The House Condition Survey (2012) indicates that the private rented sector within Bath & North East Somerset has increased significantly since 2004. There are now an estimated 4,400 buildings defined as HMOs making up a total of 6,310 dwellings. This is just over three times the national average rate.
  - The ward level data of Oldfield suggest serious hazards at a rate which is significantly above the average in HMOs over the rest of the Authority.
  - The Wards of Westmoreland, Oldfield and Widcombe have both the greatest number of HMOs with shared facilities (that is, excluding s257 HMOs<sup>1</sup> in flats) and the highest percentage of properties that are HMOs. They also host the highest number of HMOs subject to mandatory licensing (181 dwellings). The number of HMOs within three Wards that would be subject to additional licensing is estimated at between 700 -1,400 properties.

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<sup>1</sup> These are buildings converted into self contained flats and where less than 2/3<sup>rd</sup> are owner-occupied and the conversion did not meet the requirements of the 1991 Building Regulations.

- Over recent years there has been a steady increase in fires reported in HMOs within Bath & North East Somerset. The likelihood of a fire in Bath & North East Somerset is 2.83 per 1,000 single household properties and 5.03 per 1,000 in an HMO.
- There is some evidence that individual HMO conditions are significantly worse in the Oldfield ward than HMOs in other areas. However, there are a number of issues that raise concern across the three wards of Westmoreland, Oldfield and Widcombe including:
  - Over the previous 4 years Housing Services has received a higher rate of complaints about HMOs in the Wards of Westmoreland, Oldfield and Widcombe than in other areas.
  - Survey respondents advised that around a quarter had only been provided with battery operated smoke alarms. These are considered unacceptable due to the high failure rate which national evidence puts at around 45%. In addition around a quarter of respondents had not been provided with a fire blanket in the kitchen, considered essential in an HMO.
- Since mandatory HMO licensing has been introduced Housing Services has issued 487 new licences. Nearly 90% of all new licences were served with a schedule of works to bring them up to minimum licensing standards. The rate of significant hazards identified in the licensable HMOs in Wards of Westmoreland, Oldfield and Widcombe was greater than in the rest of the district.
- There is evidence to suggest that a significant number of HMOs are being poorly managed. This includes:
  - A direct relationship between HMOs by Ward and domestic waste complaints. Given the high number of HMOs within the Wards of Westmoreland, Oldfield and Widcombe this is a particular local issue.
  - Survey information suggesting that at least 40% of HMO residents within the Westmoreland, Oldfield and Widcombe area were not provided with copies of Energy Performance Certificate despite this being a legal requirement. In addition almost a quarter of tenants reported that they had not been given a copy of the gas safety certificate, also a legal requirement.
  - Survey respondents advised that two thirds had not been advised how to test their alarms or that they needed to be tested weekly. Over half were not advised what to do if there was a problem with the alarm.
- Whilst the voluntary property accreditation scheme has been very successful, its efficacy is being seriously challenged. Despite the dramatic rise in the private rented sector the number of new accreditations has been reducing, 25% lower in 2011/12 than the previous year. Re-accreditations have reduced by 18% over the same period.

It is also important to note that the evidence revealed a number of positive characteristics of the local HMO market. Some of these include:

- The House Condition Survey (2012) indicates that HMOs are not in poorer condition than the rest of the housing stock. Indeed they may be in a slightly better condition than the wider private rented sector. This is not the same as neighbouring authorities where HMO's are generally in poorer condition than other housing sectors.
- The rate of housing complaints from HMOs is lower than the rest of the private rented sector, though they are generally more complex to resolve.
- Most tenants indicated that they were satisfied with the facilities in their home, the information provided by their landlord/agent and that their home provides a safe and healthy place to live. Most tenants were also provided with 24 hour contact details for their landlord/agent.

5.7 In addition the University of Bath Students' Union recently conducted a survey to find out what students living within the City of Bath experienced with their private rented accommodation. The '*Rate your Rental*' online survey received over 500 responses and highlighted a number of concerns that students renting in the City have faced. Two of the key findings highlighted are that nearly one in three students are unhappy with their experience of private rented accommodation in Bath and two thirds have had problems with their accommodation, the main reason being damp and mould. The report is available from the [University of Bath Students' Union](#).

## 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 Equality Impact Assessment has been completed and is attached in appendix 4. Adverse impacts were identified and are being mitigated in the following ways:

Issues identified	Actions required
Ensure the consultation on additional licensing is accompanied by appropriate guidance and that additional support is available for equalities groups.	Ensure equalities groups are included in the consultation process
The completion of a 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.
Licensing may push up rental prices if landlords see the opportunity to pass on costs to tenants, (will affect those with lower salaries	Further consultation on the costs to consider how this potential impact can be minimised.



and students).	Where possible, efficiency savings to be made and passed on to landlords. Initial enquiries indicate that licensing does not push up costs.
May make those outside the areas where additional licensing is proposed more vulnerable to lower standards in shared housing (this may impact adversely on a number of equality groups)	On-going monitoring and consideration as to whether the scheme should be extended.
Potential for people to be uncomfortable or give inaccurate information when asked about living arrangements.	Sensitive consideration will need to be undertaken by Housing Officers when asking questions of people about their living arrangements when seeking to establish if a property is an HMO.

## 8. RATIONALE

- 8.1 Working in partnership with other interested parties, the introduction of a targeted additional licencing scheme would provide the Council with the ability to identify and address housing condition and management issues within the designated areas. The scheme will provide a platform to engage with landlords, tenants and local residents to work in partnership to mitigate some of the negative effects associated with such high concentrations of HMOs within this densely populated residential area.

## 9. OTHER OPTIONS CONSIDERED

- 9.1 A range of other options have been considered in detail within appendix 1 and include:
- Do nothing - given the information contained in the evidence report this is not an option.
  - Targeted enforcement activity – not realistic having regard to scale of the issue
  - Reactive enforcement – would not ensure that issues in all HMOs with shared facilities are addressed
  - Partnership working – already being actively pursued however experience from the voluntary accreditation scheme and other examples of partnership working has confirmed that this fails to provide full engagement with all landlords.
  - Selective licensing - eligibility criteria not met and evidence points to most of the issues being associated with HMOs and not the wider private rented sector
  - Additional licensing across the whole district – not supported by the current evidence

## 10. CONSULTATION

- 10.1 Ward Councillors; Cabinet members; Policy Development and Scrutiny Panel; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Stakeholders/Partners; Other Public Sector Bodies.
- 10.2 After due consideration of the evidence base it was concluded that there was a reasonable likelihood that the legislative conditions for introducing additional licensing could be fulfilled. As such formal consultation was undertaken with landlords, residents and other interested parties on a proposal to introduce additional licensing for all shared HMOs (that is excluding s.257 flats) in an area broadly based upon the Wards of Westmoreland, Oldfield and Widcombe. This was, at least in part, jointly conducted in partnership with Planning Policy colleagues seeking views on the proposed planning controls for HMOs.
- 10.3 Whilst consultation activities have taken place at various times since March 2012, the formal consultation period ran from 17<sup>th</sup> September 2012 until 30<sup>th</sup> November 2012. The consultation was extensive and included the following activities:

Activity	Numbers
Stakeholders workshop	19
On-line questionnaire	272
Written and other responses	62
Drop in events x 3	116
University market stalls x 2	85
Polish Community Event – delegates and service providers	20
Southdown electric blanket testing event	5
Mandatory HMO licence holders mail shot	265
Accredited landlords email shot	400
Letting agents mail shot	46
National Landlords Association (NLA) meeting	68
Accreditation working group	20
West of England Private sector Housing group	4
B&NES Equality Impact Assessment Quality Control Group	8
West of England Landlord Panel	8
Residents (households visited in proposed area)	1120
Businesses visited in proposed area	169
Equality groups and service providers	23
Meetings with student's Union from Bath Spa and University of Bath	4
Local Development Framework (LDF) Steering group	10
B&NES website - Unique page views (17 <sup>th</sup> Sept – 30 <sup>th</sup> Nov 2012)	
<a href="http://www.bathnes.gov.uk/hmos">www.bathnes.gov.uk/hmos</a> (additional licensing info page)	515
<a href="http://www.bathnes.gov.uk/hmo">www.bathnes.gov.uk/hmo</a> (Article 4 Direction/additional licensing info page)	769
<b>Total</b>	<b>4008*</b>

\* Will include an unquantifiable element of double counting

- 10.4 As a result of the above activities a total of 901 responses were received comprising: 272 completed on-line questionnaires; 62 written/other responses; 278 door step surveys; 289 responses during the consultation events which were either verbal or placed directly on display charts.

- 10.5 Overall the views on the proposal were both mixed and often strongly expressed. Residents, particularly those within the proposed area, were in favour of introducing the scheme as proposed. Indeed 89% of respondents to the on-line questionnaire who were resident in the area thought that the scheme would help improve the condition of HMOs and 79% thought it would improve the local area; over 92% thought the proposed licensing conditions would improve how HMOs are managed. Written and verbal responses spoke of disinterested/neglectful landlords and having to endure poor garden maintenance, rubbish accumulations and other anti-social activities.
- 10.6 Landlords and businesses were less convinced that additional licencing was appropriate. Indeed only 36% of the on-line responses thought that the scheme would improve conditions; 27% thought it would improve the area; and 32% that it would improve the management of HMOs. Written and verbal responses spoke of additional bureaucracy and costs that would ultimately be passed on to tenants, that there should be better use of existing powers and that good landlords would be punished for the actions of bad landlords. There were also specific comments and suggested amendments on the proposed conditions.
- 10.7 Other organisations provided written responses with mixed enthusiasm for the proposal including:
- Avon and Somerset Police who were keen to see security measures included in any scheme.
  - Avon Fire and Rescue Service who were in favour of any measure that would protect occupiers and provide training to tenants.
  - Bath Spa University and Bath Spa Students Union (joint response) welcomed improving standards but had concerns about licensing and potential for rental increases.
  - The University of Bath Students Union were generally against any licensing and questioned the evidence and the conditions being proposed.
  - The University of Bath were in favour of additional licensing.
  - National Landlords Association (NLA) and the Residential Landlords Association who were against the proposals raising concerns about the evidence base and the potential for rent increases.
- 10.8 Appendix 3 contains the 'Public consultation – summary report' and a link to the associated documents which provide a significant amount of information on the consultation exercise and responses.
- 10.9 As a result of the consultation exercise a number of amendments are suggested to the proposed scheme. The proposed scheme is shown in the annexes of appendix 1 and includes a number of suggested amendments to the licensing conditions; the licence fee structure; the evidence report; and the proposed area being covered.
- 10.10 Councillor Tim Ball, Cabinet Member for Homes & Planning and council officers recently held a further and recent meeting with representatives and members of the NLA. The NLA wished to again express their concern about the proposed adoption of additional licensing and to suggest an alternative solution. The alternative solution comprised the NLA using their member database to contact members and remind them of examples of good landlord practice. This is a very positive step. However, it should be noted that the market penetration of the NLA is unquantified within the area concerned and there is anecdotal evidence that the more ineffective

and disinterested landlords do not belong to professional landlord organisations such as the NLA.

## **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.

<b>Contact person</b>	Graham Sabourn, Head of Housing (01225 477949)  Jeremy Manners, Senior Environmental Health Practitioner (01225 366276)
<b>Sponsoring Cabinet Member</b>	Councillor Tim Ball
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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## Appendix 1

### Housing Services

#### Proposed designation of an additional licensing scheme for Houses in Multiple Occupation (HMOs) in Bath

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**Purpose of this report:** To present the case for an additional HMO licensing scheme in and around the Wards of Westmoreland, Oldfield and Widcombe under the Housing Act 2004 for a period of 5 years.

**Wards affected:** Westmoreland, Oldfield, Widcombe, Twerton, Southdown, Bathwick, Lyncombe.

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12<sup>th</sup> June 2013



# **Proposed designation of an additional licensing scheme for Houses in Multiple Occupation (HMOs) in Bath**

## **Introduction**

The Housing Act 2004 (the Act) increased Local Housing Authority's (LHA) abilities to regulate HMOs by introducing licensing. Mandatory licensing applies to HMOs of 3 storeys or more, occupied by 5 or more people who are not a single household and who share facilities. Additional licensing allows LHA to designate all or part of their district to be subject to additional licensing for classes of HMOs specified by the LHA. Operating a property covered by the designation without a licence is an offence punishable by a fine up to £20,000.

Following the introduction of a General Approval Order in March 2010 an LHA can now introduce additional licensing without the need for Secretary of State approval.

Designation of additional licensing areas has gained momentum over recent years with an increasing number of LHA designating schemes to improve the safety and management of HMOs in their areas. However, introducing additional licensing is not a decision to be taken lightly by the Council and should not be viewed as simply another tool in the toolbox. The conditions that must be satisfied are contained in sections 56 and 57 of the Housing Act 2004 and are further detailed in guidance issued by the Department of Communities & Local Government (CLG) in February 2010. The guidance makes it clear that additional licensing is only an option where there are real problems with HMOs which cannot be solved using other approaches and available powers.

## **Definition of an HMO**

An HMO is a property occupied by three or more persons from two or more households; a household could be a single person or persons related to each other.

A family or single household can consist of: husband, wife, co-habitee, child, step-child, foster-child, grandchild, parent, step-parent, foster-parent, grandparent, brother, half-brother, sister, half-sister, aunt, uncle, niece, nephew, cousin.

In the Act, the definition of a HMO is technically complex. The following is a summary of the HMO definition in Section 254 of the Act taken from the Communities and Local Government (CLG) publication: A guide to the licensing and management provisions in Parts 2, 3 and 4 of the Housing Act 2004 Draft.

### **Meaning of an HMO**

In order for a building, or part of a building, to form an HMO it must fall within the meaning of one of the following descriptions:

- a building in which more than one household shares a basic amenity e.g. a bathroom, toilet or cooking facilities. This is called 'the standard test';

- a flat in which more than one household shares a basic amenity (all of which are in the flat) e.g. a bathroom, toilet or cooking facilities. This is called 'the self-contained flat test';
- a building that has been converted and does not entirely comprise of self-contained flats. This is called 'the converted building test';
- 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 two thirds of the flats are owner occupied. This type of building is also known as a section 257 HMO.

### **Buildings that are not HMOs**

The following is a summary from Schedule 14 of the Housing Act 2004 also taken from the CLG publication mentioned above.

Some buildings are not HMOs for the purpose of the Housing Act 2004 even if they meet the requirements of the HMO definition. These buildings are:

- those under the management or control of a local housing authority, a registered social landlord or certain other public bodies;
- those regulated under other enactments, such as care homes, children homes and bail hostels etc.;
- those occupied solely or mainly by students studying a full time course of further and higher education at a specified education establishment which manages the building in question and the specified education establishment is subject to an approved code of practice and the building in question is subject to that code;
- those that are occupied for the purpose of a religious community whose main occupation is prayer, contemplation, education or the relief of suffering. This exemption does not apply to a converted block of flats within the meaning of section 257 of the 2004 Act occupied by such a community;
- those that are occupied by a freeholder or long leaseholder and any member of his household (if any) and any other persons not forming part of his household and not exceeding two in number (e.g. owner occupiers household and one or two lodgers). This does not apply to section 257 HMOs;
- those that are occupied by only two persons each of whom form a single household e.g. a flat share of no more than two persons.

## **HMOs to be included in the scheme**

The proposed designation will cover the entire Wards of Oldfield and Westmoreland, a large part of Widcombe and small sections of the adjoining Wards of Bathwick, Lyncombe, Southdown and Twerton. A map and list of roads proposed to be included in the scheme are shown in annex 1.

The proposed scheme includes all HMOs in the designated area that are not already subject to mandatory licensing (or exempted by the relevant sections of the Housing Act 2004), subject to the exception below.

### **Exception**

- Buildings converted entirely into self-contained flats (s257 HMOs), although the individual flats maybe licensable in their own right.
- Purpose built student accommodation where the organisation which manages the building is subject to a national approved code of practice and the building in question is subject to that code;

It is anticipated that the scheme will cover up to 1,400 properties.

## **How does licensing work?**

Housing Services are unable to monitor the living conditions or management of the majority of HMOs in the area without the power of additional licensing.

Additional licensing will give Housing Services the power to require all landlords of HMOs to be included in the scheme as described above to apply for a licence and provide details of the management arrangements and the property. This will enable officers to know where these properties are and place conditions on the licence holder to ensure minimum standards of safety, welfare and management are maintained. The standards and conditions that are proposed to be applied are shown in annex 2 and 3.

Landlords will have to pay a fee for each application to cover the Council's costs of running the scheme. The proposed fees are shown in annex 4.

Housing Services will compile a register of licensed properties with landlords contact details and maximum occupancy and property details.

Housing Services will be able to proactively inspect these properties to deal with any significant health and safety hazards and ensure they meet minimum management requirements.

A register of HMOs will be available to the public so they can find out who manages HMOs near them and are able to more quickly and easily report problems.

Where landlords are unable to meet the licensing requirements Housing Services will be able to follow their Enforcement and Licensing Policy and pursue the necessary sanctions against the landlord which could include prosecution and forcing a change of management of the property.

## Legal requirements

Before making an additional HMO licensing designation for a particular area under s56 and s57 of the Housing Act 2004, the local authority must be satisfied that the following criteria are met:

**Criteria 1:** 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, and, 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.

**Criteria 2:** Consult persons likely to be affected by the designation and consider any representations made.

**Criteria 3:** Ensure that the exercise of the power is consistent with their overall housing strategy;

**Criteria 4:** Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others;

**Criteria 5:** 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, and;

**Criteria 6:** 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).

These criteria are considered in more detail below.

### Criteria 1: HMOs managed sufficiently ineffectively

Of the private rented stock, 6,310 dwellings or nearly 50% of private rented homes are defined under the Housing Act 2004 as HMOs. This is just over three times the national average. Of these, 3,850 are shared house or bedsit HMOs and the remainder are buildings converted into flats (B&NES Housing Stock Conditions Survey, 2012).

Housing Services have records relating to around 3,500 HMOs, 1,800 of which have shared facilities. Around 364 HMOs are also part of the mandatory licensing scheme.

Over 50% of HMOs with shared facilities known to Housing Services are contained within the three Wards of Westmoreland (20%), Oldfield (16%) and Widcombe (15%) where many residential properties including Victorian terrace and larger Georgian houses have been adapted to meet the demand for shared or multiple occupancy homes.

In the three Wards of Westmoreland, Oldfield and Widcombe, HMOs known to Housing Services account for 16%, 13% and 11% of all households respectively and only a minority of these, 181 in total, are covered by the mandatory licensing scheme. In these three Wards combined, Housing Services know of 725 HMOs with shared facilities (not included in the mandatory licensing scheme) and Council Tax have over 1000 dwellings recorded with student exemptions. These figures only provide a conservative estimate of numbers and more realistic numbers of HMOs were provided by the B&NES Housing Stock Conditions Survey, 2012 which suggests there are in the region of 1,400-1,500 HMOs in these 3 Wards.

In the Wards of Westmoreland, Oldfield and Widcombe (the focus of the proposed scheme), there are a number of issues around HMOs that raise concern including:

- Over the previous 4 years Housing Services has received a higher rate of complaints about HMOs in the Wards of Westmoreland, Oldfield and Widcombe than in other areas.
- A higher rate of hazards has been found in mandatory licensed HMOs in Oldfield, Westmoreland and Widcombe than the rest of the district.
- 1 in 3 HMOs in Oldfield Ward have a serious health and safety hazard compared to a district average of 1 in 8.
- Survey responses from HMO residents advised that around a quarter had only been provided with battery operated smoke alarms. These are considered unacceptable due to the high failure rate which national evidence puts at around 45%. In addition around a quarter of respondents had not been provided with a fire blanket in the kitchen, considered essential in an HMO. Over recent years there has been a steady increase in fires reported in HMOs within Bath & North East Somerset. The likelihood of a fire in Bath & North East Somerset is 2.83 per 1,000 single household properties and 5.03 per 1,000 in an HMO.
- Over 80% of service requests about HMOs received by the Council's regulatory services from the proposed area relate to HMOs with shared facilities.

There is evidence to suggest that a significant number of HMOs are being poorly managed. This includes:

- A direct relationship between HMOs by Ward and domestic waste complaints. Given the high number of HMOs within the Wards of Westmoreland, Oldfield and Widcombe this is a particular local issue.
- Survey information suggesting that at least 40% of HMO residents within the Westmoreland, Oldfield and Widcombe area were not provided with copies of Energy Performance Certificate despite this being a legal requirement. In addition almost a

quarter reported that they had not been given a copy of the gas safety certificate, also a legal requirement.

- Survey responses from HMO residents indicated that two thirds had not been advised how to test their alarms or that they needed to be tested weekly. Over half were not advised what to do if there was a problem with the alarm.
- Residents have expressed concerns about appearance of HMOs in their locality including untidy gardens, rubbish and poor repair causing problems in the local area.
- The majority of prosecutions taken against landlords and simple cautions issued to landlords by Housing Services have been in respect of HMOs in the proposed area.

It is also important to note that the evidence revealed a number of positive characteristics of the local HMO market. Some of these include:

- The B&NES Housing Stock Conditions Survey, 2012 indicated that overall HMOs are not in poorer condition than the rest of the housing stock. Indeed they may be in a slightly better condition than the wider private rented sector. This is not the same as neighbouring authorities where HMO's are generally in poorer condition than other housing sectors.
- The rate of housing complaints from HMOs is lower than the rest of the private rented sector, though they are generally more complex to resolve.
- Most HMO tenants indicated that they were satisfied with the facilities in their home, the information provided by their landlord/agent and that their home provides a safe and healthy place to live. Most tenants were also provided with 24 hour contact details for their landlord/agent.

During the formal consultation process, the online questionnaire revealed that 87% of residents of the proposed area and 30% of businesses and organisations (including landlords) who responded, agreed or strongly agreed that the evidence shows that a significant proportion of the HMOs in the selected area are being managed sufficiently ineffectively to cause problems for occupants or members of the public. 47% of businesses and organisations (including landlords) disagreed or strongly disagreed.

A survey of non-HMO residents carried out during the consultation process in and around the proposed area revealed that out of the 149 residents spoken to, 93% were aware of shared houses in their local area. 54% reported that shared houses cause them problems – the top 3 concerns recorded were rubbish, noise and appearance. The positives were more young people in the area and improved bus routes.

No Code of practice has been approved under section 233 of the Housing Act 2004 so information on this is unable to be assessed.

Full details of the evidence base for the scheme can be found in Appendix 2.



## Criteria 2: Consultation

The formal public consultation process took place from the 17<sup>th</sup> September 2012 until the 30<sup>th</sup> November 2012. Prior to the start of the formal consultation various stakeholders were engaged and activities were undertaken to help formulate the proposals and the consultation process.

### Consultation strategy

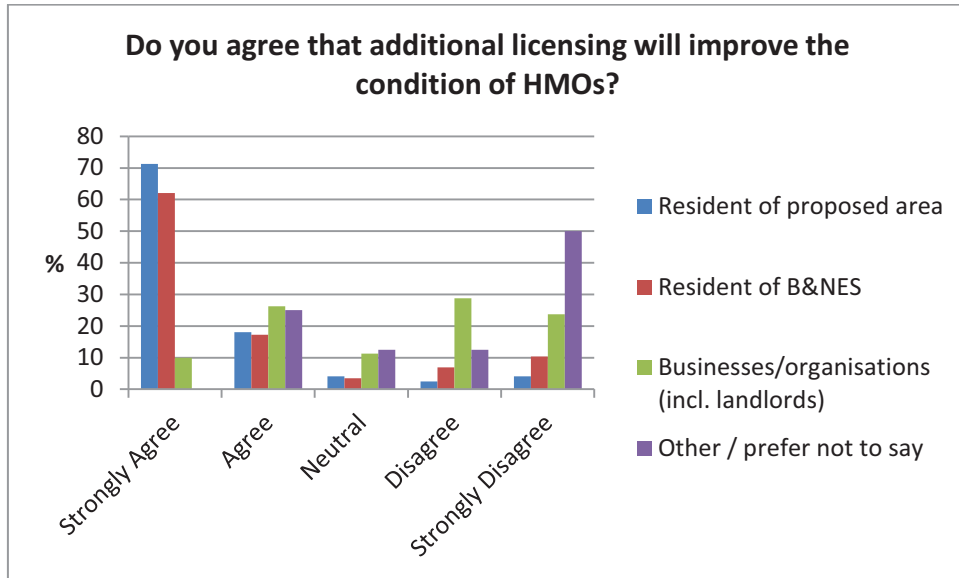
- Consultation with Council Officers and stakeholders has been on-going since March 2012 and throughout the consultation period and beyond.
- Information was available and updated on the Council website and dedicated internet pages.
- A survey questionnaire was available to complete online or by paper throughout the consultation period. 272 responses were received.
- The dedicated HMO licensing email address was available for consultation responses.
- 289 people attended consultation events including landlords, residents, organisations and students.
- Various articles and press releases were published in the local press and on the Council internet.
- 46 letting agents in B&NES were contacted by post.
- 665 mandatory licensed landlords and accredited landlords were contacted with information on the consultation.
- 1,120 residential premises were canvassed in the proposed additional licensing area.
- 278 door step surveys were completed by residents of the proposed additional licensing area.
- 169 business premises were visited and left with information.
- Regional meetings were attended.
- Walkabouts of the proposed area were undertaken.

Full details of the consultation and the responses are contained within the public consultation summary report in Appendix 3 and associated documents.

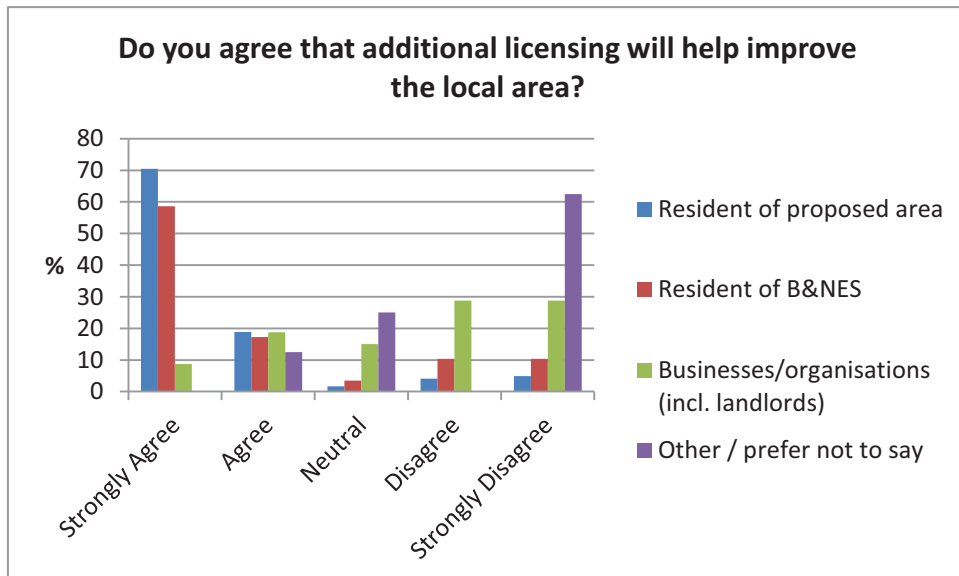
### Key findings

Residents were strongly in favour of the additional licensing proposals whereas businesses and organisation (including landlords) were generally against.

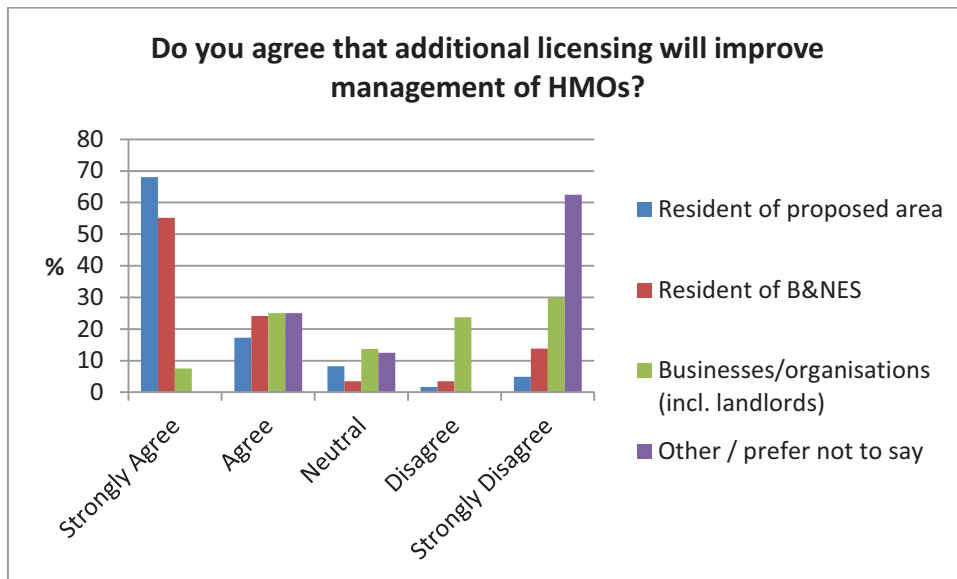
Responses from the questionnaire showed the following key results:



89% of residents of the proposed area and 79% of B&NES residents agreed or strongly agreed that additional licensing will improve the condition of HMOs. Only 36% of businesses and organisation (including landlords) agreed or strongly agreed that licensing would improve the condition of HMOs as did 25% of 'other/prefer not to say'. 52% of businesses and organisation (including landlords) and 62% of 'other/prefer not to say' disagreed or strongly disagreed.



89% of residents of the proposed area and 75% of B&NES residents agreed or strongly agreed that additional licensing will help improve the local area compared to 27% of businesses and organisation (including landlords). 57% of businesses and organisation (including landlords) disagreed or strongly disagreed and 62% of 'other/prefer not to say' strongly disagreed.



85% of residents of the proposed area and over 79% of B&NES residents agreed or strongly agreed that additional licensing will improve management of HMOs. 53% of businesses and organisation (including landlords) disagreed or strongly disagreed compared to 32% who agreed or strongly agreed. 63% of 'other/prefer not to say' strongly disagreed whereas 25% agreed.

Broadly speaking, concerns were raised that additional licensing will push up rents as a result of the licence fee and associated works. Landlords commonly felt the scheme was expensive, involved increased and unnecessary bureaucracy and will not solve issues (as presented in the evidence report). Residents of the proposed area were commonly concerned with rubbish, recycling, noise, untidy messy gardens and appearance of HMOs.

## Changes resulting from the consultation

### Key changes

- The fees structure has been amended and simplified. To represent efficiency savings the fee has been reduced and a discount option made available.
- Some of the licensing conditions have been amended. One of the most controversial being the energy efficiency condition which has been changed from requiring an EPC rating of C to an E, in line with the Energy Act 2011.
- The proposed additional licensing area has been reduced to remove a large section of Southern Widcombe as it is not considered to be impacted by HMOs to the extent of the more highly populated northern section.

Full details of the changes made following consultation responses can be seen in annex 5.

### **Criteria 3: Consistent with Housing Strategy**

The Housing and Wellbeing Strategy 2010-15 sets out the local authority's strategic housing ambitions to allow residents and partners to share and contribute towards the achievement of our priorities and objectives.

Two of the key themes in the 'Housing and Wellbeing Strategy' are 'better homes' and 'happy and healthy lives'. Additional licensing is consistent with the overall housing strategy by contributing towards both of these themes by:

- improving the quality and safety of significant numbers of rented homes;
- tackling overcrowding by managing occupancy in all licenced HMOs;
- helping low income and vulnerable households through a targeted approach;
- improving partnership working to improve homes.

Two of the key policies aimed at improving private sector accommodation in Bath and North East Somerset are the Enforcement and Licensing Policy 2012 and the Home Health and Safety Policy 2012. These two policies run alongside each other and form the approach that Housing Services take to improve housing conditions and assist vulnerable people. Additional licensing is consistent with this approach.

### **Criteria 4: Coordinated approach**

Bath and North East Somerset Council have a range of initiatives and policies that deal with homelessness, empty properties and anti-social behaviour.

- The Council operate a Homefinders scheme which facilitates vulnerable people at risk of homelessness in to private rented accommodation. With the changes to the Local Housing Allowance it is likely that multiple occupancy accommodation will be a more realistic housing option for many people. Additional licensing will ensure minimum standards of safety and management are maintained in many of these type of properties in the designated area.
- Housing Services directly provide and commission a comprehensive package of housing services to meet the needs of vulnerable people and prevent homelessness. The Homelessness Strategy 2008-2013 recognises the need to promote access to safe and secure private sector tenancies for vulnerable people and additional licensing fits in with this approach. The Homelessness strategy includes an action to increase the number of people living in private rented accommodation that meets the Decent Home Standard. Licensing will assist with this approach by ensuring all HMOs with shared facilities in the designated area are inspected and that work is required to reduce all significant housing health and safety hazards that contribute to the failure to meeting this standard. Licensing will also mean that the Council knows where many lower cost HMOs are and can require them to be managed effectively. This includes requiring the landlord to supply to the tenants, a written statement of the terms in which they occupy the property and to ensure accommodation is safe, healthy and offers reasonable amenities. Tenancies are more likely to be sustained and tenants less

likely to be made homeless. Further, engagement with landlords and tenants through the scheme will facilitate greater awareness of homelessness prevention services.

- Housing Services manage the local Choice Based Lettings system called Homesearch, with priority given to homeless households and people living in poor housing conditions. The new Homesearch policy to come into being in May 2013 gives high priority to people under-occupying housing, this is intended to free up larger accommodation, leading to a reduction in overcrowding, and will make better use of the housing stock.
- In 2010 Housing Services carried out a survey of empty properties in B&NES. Empty properties were prioritised for action based on property condition and social impact on neighbours and the local community from anti-social behaviour such as rubbish and fly tipping, vandalism and overgrown gardens. The Empty Property Policy indicates what action the Council will take to encourage owners to bring these empty homes back into use. The Empty Homes Officer will offer support and information on letting these homes and provide assistance where homes are brought back into use in the additional licensing area. This will include informing the owner that the HMO licensing process will result in them letting a safe home that meets legal requirements as well as the benefits from letting a home as an HMO. Enforcement officers working intensively in the additional HMO licensing area will monitor and report empty homes for action through the empty homes policy.
- Waste Services take a proactive approach at targeting problem areas and responding to complaints concerning recycling and rubbish. This approach corresponds well with an additional licensing scheme. Housing Services will work with Waste Services to reinforce the information and key messages provided to tenants and landlords in these areas on waste collection arrangements, times and reporting problems. The licence condition on arrangements for recycling and rubbish aligns with the approach of Waste Services to be proactive in problem areas within the authority and will help contribute towards the council's vision of zero waste.
- Additional licensing coordinates well with the Council's position on anti-social behaviour and the Neighbourhood Environment Services Enforcement Policy. Neighbourhood Services investigate and have statutory powers to deal with incidents of statutory nuisance including noise, incidences where land and gardens are detrimental to the amenity of the local area, pests and public health. Their work will be assisted by the licensing conditions and information held on the public register of licence holders.
- The Council jointly with the City's two universities have a Community Liaison Officer and a Student Community Partnership involving local stakeholders who actively work to reduce the impact of a large number of students living in the community. Additional licensing and use of the public register will assist with this work.

## **Crime and Disorder Act 1998, Section 17: Duty to consider crime and disorder implications**

In exercising its functions the local authority must have regard to doing all that it reasonably can to prevent crime and disorder in its area. The designation of an additional licensing scheme is expected to:

- Encourage responsible landlords who are compliant with housing and environmental legislation.
- Encourage general good behaviour from property managers and tenants.
- Encourage and improve maintenance of properties in the area.
- Increase awareness of good practice.
- Help promote good order in local communities and harness a more positive atmosphere amongst residents.
- Promote good working practices between authorities such as the Council, Avon Fire and Rescue Service and Avon and Somerset Police.
- Help develop and foster an atmosphere of preventing crime and disorder by improving property management, reducing concerns about rubbish, recycling, waste, noise and anti-social behavior.

## **Criteria 5: Other courses of action**

### **Targeted proactive enforcement**

Alternative proactive schemes will require resourcing from Council revenue. Many of the problems identified regarding safety and management are practices undertaken by landlords operating in a profitable and buoyant market. Additional licensing is self-funding paid for by people operating in the business and not the wider community. It is unlikely that other schemes will provide the Council with the accurate information on the same scale as could be achieved through additional licensing. Comprehensive information on the HMO stock and ownership in the proposed area is needed for thorough area based improvements.

### **Reactive house condition inspections and enforcement**

LHA have a duty to review the housing conditions in their area and to carry out inspections if they believe housing health and safety hazards exist and take action with regard to any significant hazards found. Reactive enforcement is a course of action that will continue and will run alongside additional licensing as it already does with mandatory HMO licensing. Housing Services have a new and robust Enforcement and Licensing Policy which states how and when action will be taken. However, enforcement only addresses individual properties one at a time and is reliant on tenants and other parties making a formal complaint to the Council. Tenants who are concerned about the loss of their tenancy due to retaliatory eviction may not come forward. Also no proactive engagement with landlords mean there is less awareness of minimum standards and less incentive to meet them.

### **Voluntary Accreditation**

B&NES already operate a popular voluntary Accreditation scheme. However, despite its successes it has failed to keep up with the dramatic increase in the private rented sector and



by being voluntary, only attracts the landlords who want to engage with the Council and not the potentially worst properties operating with anonymity. Accreditation is another option that could be continued and receive more funding in order to expand the scheme. However, it will only attract the good landlords wishing to engage voluntarily so will not improve the area as a whole as prior experience has shown that many landlords choose not to voluntarily engage.

### **Partnership working**

Officers from Housing Services Chair the Accreditation Working Group which includes partner organisations, letting agencies, the Students Union from both universities, landlord associations and local landlords. B&NES also form part of the West of England Landlord Panel which includes regional landlord representatives. B&NES have a strong working relationship with Avon Fire and Rescue Service, Avon and Somerset Police and Housing Services work closely with other Council Services including Waste Services, the Environmental Protection Team and Planning. Housing Services has strong partnerships with many stakeholders and actively promotes working together and will continue to do so. Further partnership working could be explored and directed at the proposed area using a variety of local partners. A limitation is however, that partnerships will only successfully work with stakeholders that wish to engage with the Council, and may require extensive resources in order to make real area based improvements.

### **Mandatory licensing**

Mandatory licensing only covers the larger HMOs with shared facilities (3 or more storeys with 5 or more people) and does not incorporate other, often smaller HMOs that can form part of an additional licensing scheme. Mandatory licensing has been a success in bringing certain properties to the attention of the Council and raising standards, but is limited in its coverage.

### **Additional licensing of the whole of Bath**

The evidence currently points towards the proposed area as benefiting most from an additional licensing scheme and currently does not provide a basis for proposing to additionally licence the whole of Bath or B&NES. If in the future there is evidence to show that other areas could benefit from further schemes then they will be considered.

### **Selective licensing**

Selective licensing is an option available for requiring all privately rented accommodation to be licenced as determined by the Local Housing Authority. However, this is not considered a realistic option at this time as amongst other things, the evidence needs to show that either the area to be covered is, or is likely to become, an area of low housing demand or, is experiencing a significant and persistent problem caused by anti-social behavior. At the present time these are not traits that are currently present within Bath and North East Somerset.

### **Management Orders**

The use of Interim Management Orders (IMO) can be used for individual HMOs to take the management away from the landlord for up to 12 months. IMOs are not an area based approach and can only be used on individual properties as a reactive response to protecting health, safety and welfare. This remains an option. However, the process is resource

intensive in terms of time and upfront costs to the Local Authority. Resources required to deal with one property will take resources away from other properties and will not solve bigger area based issues.

### **Promotion of energy efficiency packages**

The proposed condition on energy efficiency could help relieve fuel poverty by making it cheaper to adequately heat the home. The Council does a lot of work to improve the energy efficiency of properties in B&NES including promotion activities, energy saving initiatives and has recently offered financial assistance to improve HMOs. Other courses of action could include the active promotion and publicity of a specific energy efficiency package for landlords in the proposed area which may include finance as well as education and awareness raising initiatives to achieve high rates of take up.

### **Support for landlords, tenants and the community**

B&NES have a dedicated Housing Standards and Improvement Team who provide help and support to landlords and tenants over the phone, in person and during site visits. The Housing Options and Homelessness Team provide advice on tenancy and legal matters as well as prevention of homelessness and facilitating and supporting private tenancies through the Homefinders scheme.

Housing Services have produced a Tenant Manual to assist tenants renting in the private sector which includes sections on being a good neighbour and tenants' responsibilities. There is also a wealth of information available via the housing pages on the B&NES website.

Through the West of England (WoE) partnership a number of resources have been developed to help and support landlords in the private rented sector.

These include:

- landlord training which is available to all landlords to help improve their knowledge around all aspects of renting;
- the WoE landlord manual which is a comprehensive guide for private sector landlords;
- the Landlord Expo which is a free annual event for landlords and partners to attend which attracts commercial exhibitors and topical speakers from all over the country;
- the WoE *private housing information* website provides an informative base for landlords to access information, specifically on HMO licensing.

These courses of action are only useful if people choose to engage and access the information and services on offer; the Council cannot force people to engage. They do not provide the Council with comprehensive information about HMOs in the area or ensure that minimum standards are maintained. Access to information is essential to improve the private rented sector especially HMOs. It will be vital to support landlords and the community in the proposed additional licensing area but it is not an appropriate alternative course of action.

## **Criteria 6: Making the designation will significantly assist in dealing with the problem**

Following the public consultation, additional licensing is considered an appropriate response. The impact of the scheme is expected to improve the proposed area, which contains the highest concentration of HMOs with shared facilities in the district, for the long term by giving the local authority access and knowledge about all HMOs with shared facilities in that area.

HMOs with shared facilities throughout the proposed area are mixed in terms of their standard and management. These standards can only be raised by Housing Services having the resources and knowledge to proactively identify and inspect sub-standard HMOs. Additional licensing will give Housing Services the knowledge and resources to use a targeted approach aimed at providing consistency and ensuring minimum standards of health and safety are maintained and suitable management arrangements are provided.

### **Better standards**

Licensing conditions and property inspections will ensure properties are improved, health and safety hazards are reduced, fire safety provisions are installed and maintained, maximum occupancy and space standards are met and gas and electrical installations are safe.

### **Better management**

Through licensing conditions and by the Council knowing where HMOs are and who manages them, Housing Services can ensure there are satisfactory management arrangements in place, tenants can get hold of landlords in emergencies, licence holders are fit and proper persons and properties are maintained. Tenants can be provided with information and guidance in order to meet their responsibilities and know their rights; landlords can be supported to have access to advice and guidance to help them be better property managers. Those landlords who have been operating poor HMOs will be forced to bring their properties up to standard or face robust enforcement action.

### **Fit and proper landlords**

Landlords and property managers who are not fit and proper or who do not put satisfactory management arrangements in place will be refused licences and will not be permitted to manage licensed HMOs.

### **Community improvements**

Through better HMO management, streets will be improved by encouraging better waste management, up keep of gardens and appearance of properties. Residents will have better knowledge about the HMOs in their neighbourhoods through the public register of licenses and will quickly be able to contact the Council about HMOs that are causing problems. In return the Council will quickly be able to act through better knowledge of HMOs and access to emergency contact details for licence holders and managers. Housing Services will be in a better position to share information with other Council Services and tackle problems as quickly as possible.

## Targeted approach

By focusing on one area and regularly visiting HMOs within the area it is likely that the benefits will be sustained and the local environment improved. Licensing conditions and better knowledge of where the HMOs are and who controls them will help ensure benefits to the local community. It is likely that garden maintenance and rubbish and recycling arrangements will be improved and responsibilities will be made clearer. Where anti-social behaviour occurs Housing Services can assist the anti-social behaviour team in taking the necessary action, landlords will be more accountable for the behaviour of their tenants and tenants will be clear on their responsibilities.

## Energy efficiency

Licence conditions will ensure energy efficiency ratings are brought up to an appropriate level prior to the introduction of national legislation in order to reduce fuel bills and fuel poverty and health issues caused through excess cold.

## Consultation responses

The online questionnaire used during the formal public consultation asked respondents about the proposed additional licensing conditions. Two of the questions asked and the responses are shown below:

<b><i>Q. Do you agree that the proposed licensing conditions will help improve how HMOs are managed?</i></b>	<b>Yes</b>	<b>No</b>
Residents of the proposed area	92%	8%
B&NES residents	78%	22%
Businesses and organisations (including landlords)	40%	60%
Other/prefer not to say	25%	75%
<b><i>Q. Do you agree that the proposed licensing conditions will help improve safety and quality of HMOs?</i></b>	<b>Yes</b>	<b>No</b>
Residents of the proposed area	94%	6%
B&NES residents	78%	22%
Businesses and organisations (including landlords)	50%	50%
Other/prefer not to say	25%	75%

The responses indicated that residents were generally in agreement that the conditions would improve management and safety and quality of HMOs. There was more disagreement from businesses and organisations including landlords. The group of other/prefer not to say were more strongly in disagreement.

## **Risk Assessment**

The full risk assessment is contained in annex 6.

## **Equality Impact Assessment**

An equality impact assessment has been carried out and revised following input from the Council's Equality Impact Assessment Quality Assurance Group and is attached as appendix 4.

In summary, some negative aspects of the proposed scheme include:

- Completing a licence application form and communication can be difficult for people with certain disabilities.
- Licensing may push up rental prices which will affect those on lower incomes. Outside of an additional licensing area HMOs may be more financially achievable for those on lower incomes yet standards may be lower.

Key actions from the assessment include:

- Ensuring landlords are given enough assistance to complete application forms and on-going help and advice where needed.
- Monitoring the impacts of licencing and whether extending the area should be considered.
- Ensuring officers are sensitive to individuals when carrying out their duties.
- Further consideration of the costs and how they can be minimised.

## **Designation**

If the designation is made, the scheme will come into force on the 1<sup>st</sup> January 2014 which is a date no earlier than three months after the date on which the designation is made.

Within 7 days of the designation being confirmed the Council is required to publish the decision on the Council's internet site, on public notice boards and in two local newspapers.

Housing Services will deliver the scheme which will last for a maximum of 5 years.

At the end of the 5 year period the scheme will cease to exist. The scheme will be monitored and reviewed throughout its duration and any consideration for a future scheme will need to be based on research and evidence.

### **Proposed licensing conditions**

Annex 2 shows the general standards that will be expected in licensed properties. These will be applied on a property specific basis and include requirements to provide minimum fire safety provisions and sufficient facilities and amenities.

Annex 3 shows the licensing conditions that are proposed to be applied to each licence. They include conditions to improve management, safety and welfare.

## **Licensing fees**

The details of the fees that will be charged in order for the Council to recover its costs of running the scheme are contained in the fees document in annex 4. The fees include a discount for accredited landlords who comply with certain aspects prior to the licence being granted, therefore saving the Council time. The fee is dependent on the Council adopting a more streamlined use of technology to receive and process applications and fees. The fee will be chargeable upfront on application for a licence. The licence will last for the duration of the scheme (maximum 5 years). In special circumstances the Council may decide to grant the licence for a lesser period.

A licence is not transferable so any change of licence holder during the scheme will require a new licence application and new fee. Any changes to the licence will require a formal variation and a fee as specified in the fees document.

All licensing fees will be subject to review as part of the Council's budget setting.

## **Staffing and resources**

Housing Services currently run the mandatory licensing scheme which incorporates around 370 HMOs. The introduction of an additional licensing scheme could see an additional 1,400 HMOs requiring the same level of administration and officer activity. Therefore additional resources will be required in order to successfully run a scheme. It is anticipated that the administration and inspection costs will be covered by the licensing fee.

## **Monitoring and exit strategy**

The scheme will be monitored through a number of ways including numbers of properties included, data on significant housing health and safety hazards, HMOs improved, enforcement activity and complaints received.

During the course of the designation the scheme will be evaluated and a strategy will be developed for exiting the scheme. Consideration will be given to the success/failures of the scheme and the ramifications when the scheme ceases to exist. Information and knowledge gained through the scheme will be used to continue proactive work in the area and build up working relationships with landlords.

## **Financial and legal implications**

The administration of the scheme will be recoverable through the licensing fee. However, it is anticipated that enforcement action may increase as a result of dealing with a large number of HMOs, many of which may have had no contact with the Council in the past. It will be necessary for costs and resources associated with enforcement action to come out of existing budgets.



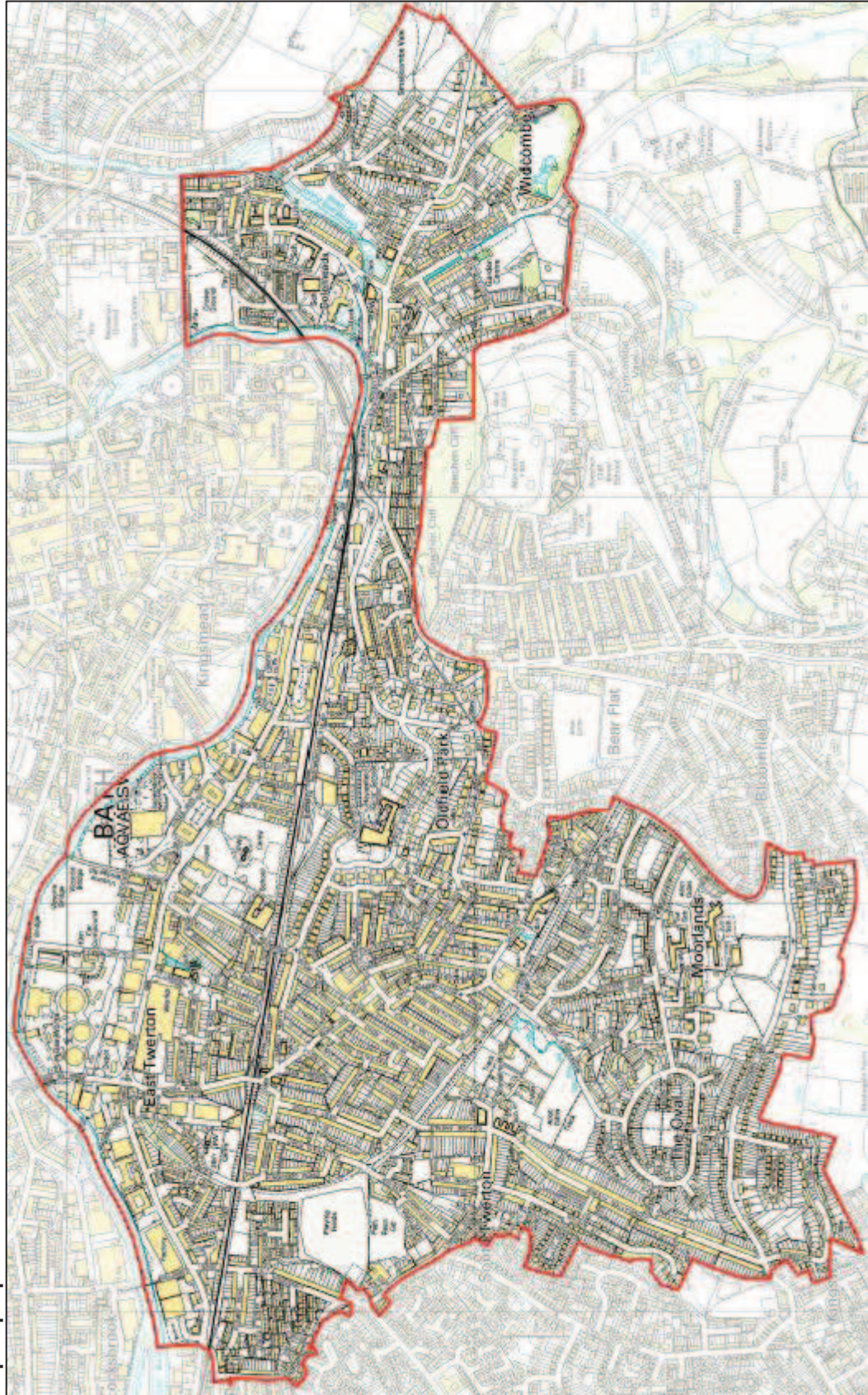
## **Annex: The proposed additional licensing scheme for Houses in Multiple Occupation (HMOs) in B&NES**

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1. Proposed additional licensing area

Map of proposed area



### List of all roads included in the proposed additional licensing area

All properties and buildings accessed via the roads and parameters listed below are proposed to be included in the scheme. This list should be read on conjunction with the proposed additional licensing area map.

Road/locality	Area covered	Ward
ABBEY VIEW	All of road	Widcombe
ABBEY VIEW GARDENS	All of road	Widcombe
ACACIA GROVE	All of road	Oldfield
ALBANY ROAD	All of road	Westmoreland
ALBERT TERRACE	All of road	Westmoreland
ALEXANDRA ROAD	All of road	Widcombe
ALTON PLACE	All of road	Widcombe
ARCHWAY STREET	All of road	Widcombe
ARGYLE TERRACE	All of road	Westmoreland
ARLINGTON ROAD	All of road	Oldfield
ARMES COURT	All of road	Widcombe
ASH GROVE	All of road	Oldfield
ASHFORD ROAD	All of road	Oldfield
AYR STREET	All of road	Westmoreland
BECKHAMPTON ROAD	All of road	Oldfield
BEECH GROVE	All of road	Oldfield
BELLOTT'S ROAD	All of road	Westmoreland
BELVOIR ROAD	All of road	Oldfield
BRIDGE ROAD	All of road	Westmoreland
BROADWAY	All of road	Widcombe
BROOK ROAD	All of road	Westmoreland

BROUGHAM HAYES	All of road	Widcombe
BURNHAM ROAD	All of road	Westmoreland
CALEDONIAN ROAD	All of road	Westmoreland
CALTON GARDENS	All of road	Widcombe
CALTON ROAD	All of road	Widcombe
CALTON WALK	All of road	Widcombe
CAMBRIDGE TERRACE	All of road	Widcombe
CANTERBURY ROAD	All of road	Oldfield
CAROLINE BUILDINGS	All of road	Widcombe
CEDAR GROVE	All of road	Oldfield
CEDAR WALK	All of road	Widcombe
CEDAR WAY	All of road	Widcombe
CHANTRY MEAD ROAD	All of road	Oldfield
CHELTENHAM STREET	All of road	Widcombe
CHESTNUT GROVE	All of road	Oldfield
CHURCH STREET	All of road	Widcombe
CHURCHILL BRIDGE	Part of the road: All of the bridge South of the river	Widcombe
CLARENDON ROAD	All of road	Widcombe
CLAUDE AVENUE	All of road	Oldfield/ Westmoreland



CLAUDE TERRACE	All of road	Westmoreland
CLAUDE VALE	All of road	Westmoreland
CLAVERTON BUILDINGS	All of road	Widcombe
CLAVERTON STREET	All of road	Widcombe
CORONATION AVENUE	All of road	Westmoreland
COTSWOLD ROAD	All of road	Oldfield
CRANDALE ROAD	All of road	Oldfield/ Westmoreland
CRESCENT VIEW	All of road	Widcombe
CYNTHIA ROAD	All of road	Westmoreland
DARTMOUTH AVENUE	All of road	Westmoreland
DENMARK ROAD	All of road	Westmoreland
DORSET CLOSE	All of road	Westmoreland
DORSET STREET	All of road	Westmoreland
DURLEY PARK	All of road	Oldfield
EBENEZER TERRACE	All of road	Widcombe
ELM GROVE	All of road	Oldfield
ENGLISHCOMBE LANE	Part of the road: From Coronation Avenue/Kingsway to Westfield Close/Bloomfield Park.	Oldfield
ENGLISHCOMBE WAY	All of road	Oldfield
EXCELSIOR STREET	All of road	Widcombe
FAULKLAND ROAD	All of road	Oldfield

FERRY LANE	All of road	Widcombe
FIRST AVENUE	All of road	Oldfield
FOREFIELD PLACE	All of road	Widcombe
FOREFIELD RISE	All of road	Widcombe
FOREFIELD TERRACE	All of road	Widcombe
GORDON ROAD	All of road	Widcombe
HATFIELD BUILDINGS	All of road	Widcombe
HAYDEN CLOSE	All of road	Widcombe
HAYESFIELD PARK	All of road	Widcombe
HAZEL GROVE	All of road	Oldfield
HERBERT ROAD	All of road	Oldfield
HERSCHEL TERRACE	All of road	Westmoreland
HIGH STREET, TWERTON	Part of the road: From Shophouse Road/Zion Methodist Free Church to Lower Bristol Road.	Westmoreland/ Twerton
HIGHLAND TERRACE	All of road	Westmoreland
HILLSIDE ROAD	All of road	Oldfield
HISCOCKS DRIVE	All of road	Oldfield
HOLLOWAY	All of road	Widcombe
HORSESHOE WALK	All of road	Bathwick/Widcombe
INVERNESS ROAD	All of road	Westmoreland
IVO PETERS ROAD	All of road	Widcombe
IVY AVENUE	All of road	Westmoreland
IVY GROVE	All of road	Westmoreland
IVY PLACE	All of road	Westmoreland

JEWS LANE	All of road	Westmoreland
JUNCTION AVENUE	All of road	Oldfield
JUNCTION ROAD	All of road	Oldfield/Widcombe
KING EDWARD ROAD	All of road	Oldfield
KING GEORGE'S ROAD	All of road	Westmoreland
KINGSWAY	All of road	Oldfield
LANSDOWN VIEW	All of road	Westmoreland
LIME GROVE	All of road	Bathwick
LIME GROVE GARDENS	All of road	Bathwick
LIVINGSTONE ROAD	All of road	Oldfield
LORNE ROAD	All of road	Widcombe
LOWER BRISTOL ROAD	Part of the road: From Rossiter Road/Claverton Street to Weston Lock Retail Park.	Westmoreland/Widcombe
LOWER OLDFIELD PARK	All of road	Widcombe
LOXTON DRIVE	All of road	Westmoreland
LYMORE AVENUE	All of road	Westmoreland/Southdown
LYMORE CLOSE	All of road	Westmoreland
LYMORE GARDENS	All of road	Westmoreland
LYMORE TERRACE	All of road	Westmoreland
LYNCOMBE HILL	All of road	Widcombe
LYNDHURST ROAD	All of road	Westmoreland
MAGDALEN AVENUE	All of road	Widcombe
MAGDALEN ROAD	All of road	Widcombe
MAYBRICK ROAD	All of road	Oldfield/Westmoreland

MAYFIELD MEWS	All of road	Westmoreland
MAYFIELD ROAD	All of road	Westmoreland
MELCOMBE ROAD	All of road	Oldfield
MIDLAND ROAD	Part of the road: All parts South of the river	Westmoreland
MIDLAND BRIDGE ROAD	Part of the road: All parts South of the river	Widcombe
MILES STREET	All of road	Widcombe
MILLBROOK PLACE	All of road	Widcombe
MILLMEAD ROAD	All of road	Westmoreland
MONKSDALE ROAD	All of road	Oldfield
MOORFIELDS CLOSE	All of road	Oldfield
MOORFIELDS DRIVE	All of road	Oldfield
MOORFIELDS ROAD	All of road	Oldfield
MOORLAND ROAD	All of road	Oldfield/ Westmoreland
MORLEY TERRACE	All of road	Westmoreland
NORTH PARADE ROAD	Part of the road: All of the South side of the road East of the river	Widcombe
OAK AVENUE	All of road	Oldfield
OAK STREET	All of road	Widcombe
OLD FERRY ROAD	All of road	Westmoreland
OLDFIELD LANE	All of road	Oldfield
OLDFIELD ROAD	All of road	Oldfield/ Widcombe
PARK AVENUE	All of road	Widcombe
PINESWAY	All of road	Widcombe
PINES WAY	All of road	Widcombe

INDUSTRIAL ESTATE		
POPLAR CLOSE	All of road	Oldfield
PRIDDY CLOSE	All of road	Westmoreland
PRIOR PARK BUILDINGS	All of road	Widcombe
PRIOR PARK COTTAGES	All of road	Widcombe
PRIOR PARK GARDENS	All of road	Widcombe
PRIOR PARK ROAD	All of road	Widcombe
PULTENEY AVENUE	All of road	Widcombe
PULTENEY GARDENS	All of road	Widcombe
PULTENEY GROVE	All of road	Widcombe
PULTENEY ROAD	Part of the road: All properties from North Parade Road to Widcombe Hill	Bathwick/Widcombe
RIVERSIDE BUSINESS PARK	All of road	Widcombe
RIVERSIDE ROAD	All of road	Widcombe
RIVERSIDE COURT	All of road	Widcombe
RINGWOOD ROAD	All of road	Westmoreland
ROOKSBRIDGE WALK	All of road	Westmoreland
ROSEBERRY PLACE	All of road	Westmoreland
ROSEBERRY ROAD	All of road	Westmoreland
ROSEMOUNT LANE	All of road	Widcombe
ROSSITER ROAD	All of road	Widcombe
SECOND AVENUE	All of road	Oldfield

SHAFTESBURY MEWS	All of road	Oldfield
SHAFTESBURY ROAD	All of road	Oldfield
SHOPHOUSE ROAD	All of road	Twerton/ Westmoreland
SLADEBROOK AVENUE	All of road	Oldfield
SOUTH AVENUE	All of road	Westmoreland
SOUTH VIEW ROAD	All of road	Westmoreland
SOUTHCOT PLACE	All of road	Widcombe
SPRING CRESCENT	All of road	Widcombe
SPRING GARDENS ROAD	All of road	Widcombe
ST KILDA'S ROAD	All of road	Oldfield
ST MARK'S GARDENS	All of road	Widcombe
ST MARK'S ROAD	All of road	Widcombe
ST MARY'S BUILDINGS	All of road	Widcombe
ST PETER'S TERRACE	All of road	Widcombe
STANLEY ROAD WEST	All of road	Oldfield
STIRTINGALE AVENUE	All of road	Oldfield
STIRTINGALE ROAD	All of road	Oldfield
STOTHERT AVENUE	All of road	Westmoreland
STUART PLACE	All of road	Westmoreland
SUMMERLAYS COURT	All of road	Widcombe
SUMMERLAYS PLACE	All of road	Widcombe



SUSSEX PLACE	All of road	Widcombe
SYDENHAM BUILDINGS	All of road	Widcombe
SYDENHAM ROAD	All of road	Widcombe
THE OVAL	All of road	Oldfield
THE SQUARE	All of road	Widcombe
THE TRIANGLE	All of road	Westmoreland
THE TYNING	All of road	Widcombe
THIRD AVENUE	All of road	Oldfield
THORNBANK GARDENS	All of road	Widcombe
THORNBANK PLACE	All of road	Widcombe
TOWPATH KENNET AND AVON	Part of the road: Top Lock cottage	Bathwick
TRIANGLE EAST	All of road	Westmoreland
TRIANGLE NORTH	All of road	Westmoreland
TRIANGLE WEST	All of road	Westmoreland
TYNING END	All of road	Widcombe
UPPER OLDFIELD PARK	All of road	Widcombe
VERNON PARK	All of road	Westmoreland
VERNON TERRACE	All of road	Westmoreland
VICTORIA BRIDGE ROAD	All of road	Westmoreland
VICTORIA BUILDINGS	All of road	Westmoreland
VICTORIA CLOSE	All of road	Westmoreland
VICTORIA ROAD	All of road	Widcombe
VICTORIA TERRACE	All of road	Widcombe
WALNUT DRIVE	All of road	Oldfield

WELLS ROAD	All of road	Widcombe/Lyncombe
WEST AVENUE	All of road	Westmoreland
WESTMORELAND ROAD	All of road	Widcombe
WESTMORELAND STATION ROAD	All of road	Widcombe
WESTMORELAND STREET	All of road	Widcombe
WIDCOMBE CRESCENT	All of road	Widcombe
WIDCOMBE HILL	Part of the road: All properties from Pulteney Road to Winfarthing.	Widcombe
WIDCOMBE PARADE	All of road	Widcombe
WIDCOMBE RISE	All of road	Widcombe
WIDCOMBE TERRACE	All of road	Widcombe
WILLOW GREEN	All of road	Oldfield
WINCHESTER ROAD	All of road	Oldfield
WINDSOR BRIDGE ROAD	All South of the river	Westmoreland
WOOD STREET	All of road	Widcombe
BATH RIVERSIDE	All roads South of the river.	Westmoreland

## 2. Proposed licensing standards

### The West of England (WoE) local authorities' standards for licensed Houses in Multiple Occupation (HMOs) under Part 2 Housing Act 2004 (6<sup>th</sup> September 2012)

#### Contents:

1. Amenity standards for HMOs or parts of HMOs either occupied by a socially interactive group (shared houses or shared flats normally subject to a joint tenancy) or by individual households living independently who either share facilities (bedsits) or have exclusive use of facilities (self-contained flats).
2. Room size standards for properties occupied as above and including specific standards for HMOs where some board is provided, these properties are referred to as 'hostels'.

#### Notes:

3. The amenity standards include those prescribed by The Licensing and Management of Houses in Multiple Occupation and Other (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006 No. 373).
4. The additional amenity standards indicate how the WoE local authorities will regard how the 'Tests as to suitability for multiple occupation' can be met under Section 65 Housing Act 2004.
5. The room size standards indicate how the WoE local authorities will decide on the maximum occupation of the property under Section 64 Housing Act 2004; this is known as the 'permitted number'.
6. The above standards need not necessarily be met on the date a licence becomes operative. Where this is not the case the licence will be issued with conditions requiring compliance with the standards within a required time period.
7. The standards do not apply to non-licensable HMOs. Instead, the housing health and safety rating system under Part 1 Housing Act 2004 will be used to assess the suitability of amenity standards and living space.
8. All licensed HMOs will be subject to an assessment using the housing health and safety rating system under Part 1 Housing Act 2004. As result, it is possible that there will be additional requirements to be met.

#### Application:

9. Where reasonably practicable all HMO licensing standards must be complied with. However, every case must be considered on its own merits as Councils cannot apply a blanket set of standards for all HMOs in its district taking no account of the individual circumstances of the HMO in question. This will particularly be in respect of those standards that are not prescribed by legislation.

## HMO LICENSING STANDARDS FOR FACILITIES PROVIDED FOR SHARED AND EXCLUSIVE USE

### Personal washing and toilet facilities

**Location, size and condition**      **General**      All facilities should be located in rooms of an adequate size and layout within 2 floors of any bedroom and accessible from communal areas unless provided as en-suite facilities for the exclusive use of that occupant. Facilities should be inside the building.

All baths or showers, toilets and wash hand basins should be of an adequate size and be provided with an adequate water supply, necessary fittings, drainage and be in a satisfactory condition to enable thorough cleaning. Constant hot water at a suitable temperature to be provided to baths / showers and wash basins. Baths or showers and wash hand basins should be properly sealed into wall surfaces and have 300mm of tiled splashback (or equivalent). Bathrooms and toilet compartments should be of an adequate size and layout.

**Wash hand basins**      **Shared use**      To be provided either within each individual unit of accommodation or within each shared bathroom and compartment containing a toilet (see table below).

Within each room and compartment containing a toilet.

**Exclusive use**      Within each room and compartment containing a toilet.

<b>Baths or showers and toilets</b>	<b>Shared use</b>	Where there are four or fewer occupiers sharing there must be at least one fixed bath or shower and a toilet (which may be situated in the bathroom). Where there are five or more occupiers sharing there must be at least a fixed bath or shower for every 5 occupants (or part of) and at least one toilet separate to the bathroom for every 5 occupants (or part of), a further complete bathroom would be acceptable in place of a separate toilet. See table below as to how this standard can be met.
	<b>Exclusive use</b>	In hostels where children are accommodated at least one bath should be provided.

**Exclusive use**      A fixed bath or shower and a toilet.

**Ventilation**      **General**      Bathrooms to have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres/second in addition to any window(s). Each toilet in a separate compartment is required to have a window equivalent to 1/20<sup>th</sup> of the floor area or mechanical ventilation extracting at a

minimum extraction rate of 6 litres/second.

Ventilation should not be obstructed externally.

A fixed heating appliance in each bath or shower room sufficient to minimise condensation and provide thermal comfort.

## Kitchens

Location, size and condition	General
	If kitchens do not have a suitable dining area this facility must be provided within one floor distant (this may be a living room, bedsit or bedroom of suitable size - see standards for room sizes).

If hostels provide all main meals the kitchen facilities below are to be provided for every 10 occupants and the cooker can be replaced with a microwave. If hostels have a commercial kitchen where access is not available at all times a separate kitchen must be provided to the standards below.

Kitchens must have a safe and efficient layout and be of a suitable size - see standards for room sizes.

All facilities and equipment must be fit for purpose.

Sinks	Shared use
	A sink with constant hot and cold water, a draining board and tiled splash back for up to 5 occupants (a dishwasher will be acceptable as a second sink) or within an individual unit of accommodation.

Cookers	Exclusive use
	A sink with constant hot and cold water, tiled splash back and a draining board.

Cookers	Shared use
	A cooker with a 4 ring hob, oven and a grill for up to 5 occupants or within an individual unit of accommodation (a 27litre microwave with oven and grill will be acceptable as a second cooker).

Cookers	Exclusive use
	A cooker with a 4 ring hob, oven and grill.

A cooker with a 4 ring hob, oven and grill or a 2 ring hob, oven and grill together (positioned so that hobs are at worktop level) with a microwave will be acceptable in accommodation occupied by a single person.

Electrical Sockets	General
	Four suitably positioned electric sockets are required plus one per major appliance (ie a cooker microwave, refrigerator/freezer, washing machine etc.).

Worktop	Shared use	Fixed worktop(s) with a smooth impervious surface for food preparation, minimum size 500mm x 1000mm for up to 5 occupants or within an individual unit of accommodation.
	Exclusive use	Fixed worktop(s) with a smooth impervious surface for food preparation, minimum size 500mm x 1000mm.
	Shared use	A 0.3m <sup>3</sup> dry goods storage cupboard other than a sink base unit per occupier either in each occupant's room or in a shared kitchen.
Storage	Exclusive use	A 0.6m <sup>3</sup> dry goods storage cupboard other than a sink base unit.
	Shared use	Two worktop height refrigerators with freezer compartments or 1 worktop height fridge and 1 worktop height freezer per 5 occupiers or a worktop height refrigerator with a freezer compartment within each individual unit of accommodation.
Refrigerators	Exclusive use	A worktop height refrigerator with a freezer compartment.
	General	Suitable and sufficient provision for household waste and recycling disposal both within the unit of accommodation and outside.
	Shared use	Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.

#### 4 Fire precautions (shared houses and bedsit accommodation)

Provide fire precaution facilities and equipment to reduce fire risk and to ensure the safety of people in the premises as far as is practicable in accordance with the LACoRS (Local Authorities Coordinators of Regulatory Services) publication "Housing - Fire Safety. Guidance on fire safety provisions for certain types of existing housing."

This provision must include:

A fire blanket conforming to BSEN 1869, 1967 in each shared kitchen.

A fire door conforming to BS 476; Part 22; 1987 to be provided to each shared kitchen. For up to 2 storey HMOs other than bedsit accommodation, a sound, well constructed close fitting conventional door is acceptable. NB this does not include a hollow infill-type door ('egg box').

All locks on doors onto the means of escape and final exit doors to be capable of being opened from the inside without the use of a key.

Alternatively, provide the following:

(NB the fire detection and emergency lighting requirement below may be in excess of what is needed following a fire risk assessment and, in some cases, additional fire provisions may be needed; for example fire doors on bedsit accommodation and to bedrooms in larger properties).

Fire detection (shared accommodation - not bedsits)	A Category LD3 Grade A or D fire detection system conforming to BS5839: Part 6 (a Grade A system will be required for properties occupied by 7 or more persons). The system will normally include interlinked smoke detection in the circulation areas at each floor level, heat detection in kitchens, smoke detection in lounges and any cellar. Grade D detectors should have integral battery back-up. A sound level of 75dBA should be reached at bedheads.	
	For 5 and 6 storey properties a Category LD2 Grade A system will be required	
Fire detection (bedsit accommodation)	A Category LD2 Grade A or D fire detection system conforming to BS5839: Part 6 (a Grade A system will be required for properties occupied by 7 or more persons and 3 or more storey properties). The system will normally include interlinked smoke detection in the circulation areas at each floor level, heat detection in kitchens and bedsits with cooking facilities, smoke detection in bedsits without cooking facilities, shared lounges and any cellar. An additional Grade D non-interlinked smoke detector with integral battery back-up will be required in bedsits with cooking facilities. A sound level of 75dBA should be reached at bedheads.	
Fire detection (individually owned flat in house/block)	In addition to the above, provide a heat detector in the room/lobby opening onto the escape route linked to the fire detection system in the common parts.	
Emergency lighting Page 25 (3 and 4 storey HMOs)	An emergency lighting system to BS5266.	
Fire blanket	A fire blanket conforming to BS EN 1869 in each shared kitchen.	
Fire doors	A fire door conforming to BS 476-22 to be provided to each shared kitchen. Alternatively, for up to 2 storey HMOs other than bedsit accommodation, a sound, well constructed close fitting conventional door is acceptable. NB this does not include a hollow infill-type door ('egg box').	
Security locks	All locks on doors onto the means of escape and final exit doors to be capable of being opened from the inside without the use of a key.	

#### Fire precautions (hostels)

Requirements determined jointly with Avon Fire and Rescue on application.

#### Fire precautions (buildings converted entirely into self-contained flats)

Follow LACoRS publication "Housing - Fire Safety. Guidance on fire safety provisions for certain types of existing housing."



Heating	
Fixed heating	General
A fixed and efficient heating appliance(s) capable of maintaining a temperature of 21°C with an outside temp of -1°C in each unit of living accommodation (electrical appliances must have a dedicated socket). Heating should be available at all times and be under the control of the occupier.	
Access	
All facilities are to be available at all times and be internally accessed from all bedrooms and bedsitting rooms.	
Definitions	
Shared use	Where one or more basic amenities (personal washing, toilet or kitchen) are shared by two or more households.
Exclusive use	Where a basic amenity is provided for the use of a single household.
Bedsit accommodation	Accommodation occupied by person(s) living independently of others in the HMO, cooking facilities may be in the room or shared.
Single household	Person(s) of the same family group, this includes an individual living on their own, an individual living in a group is also regarded as a single household.
Family	Includes husband, wife, partner, child, stepchild, step parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, niece, cousin, foster child.
Unit of living accommodation	Part of the HMO occupied by a single household, this includes bedrooms in shared houses or flats, bedsitting rooms, self-contained flats (all basic amenities provided for exclusive use of that household).
Hostel	Where board is provided as part of the occupation and it constitutes a persons only or main place of residence. Hostel includes bed and breakfast and hotel accommodation used by persons as their only and main residence which is a house in multiple occupation.

Table to explain how the standards for baths/showers and toilets can be met

No. of persons sharing	Total no. of baths/showers and toilets* required	No. of toilets* that need to be separate	Or, no. of complete bathrooms accepted (bath/shwr toilet and whb)
1	1	0	-
2	1	0	-

3	1	0	-
4	1	0	-
5	1	1**	2
6	2	1**	3
7	2	1**	3
8	2	1	3
9	2	1	3
10	2	1	3
11	3	1	4
12	3	1	4
13	3	1	4
14	3	1	4
15	3	1	4
20	4	2	6 or (5 + 1 sep toilet)

\* excluding outside toilets, a wash hand basin (whb) is to be provided within each room or compartment containing a toilet.

\*\*only if reasonably practicable to provide ie there must be a suitable room (includes creating an en suite facility within a suitably sized bedroom) or space to install a toilet (with whb) from which a connection can be made into the foul drainage system without the need for a pumped system; alternatively, a bathroom could be partitioned off without the need to make an opening in a structural wall, the resultant layout should leave reasonable space for changing, drying etc.

## LICENSABLE HMO MINIMUM ROOM SIZES

(NB sizes relate to areas with a minimum ceiling height of 1.6m)

### ACCOMMODATION WITH FACILITIES SHARED BY OCCUPIERS

These standards apply where there is sharing of some or all facilities ie HMOs where:

- occupiers live independently of others e.g. single room lettings or bedsit accommodation (kitchen facilities within own room);
- occupiers forming a group e.g. students, professional persons and others who interact socially.

Where the room is for the sole use of occupier(s)	Number of persons	
	1	2
Kitchen	4m <sup>2</sup>	5m <sup>2</sup>
Bedroom	6.5m <sup>2</sup>	10m <sup>2</sup>
Combined kitchen and living room	11m <sup>2</sup>	15m <sup>2</sup>
Combined bedroom and living room*	9m <sup>2</sup>	14m <sup>2</sup>
Combined bedroom, living room & kitchen	13m <sup>2</sup>	19m <sup>2</sup>

Where the room is shared by occupiers	Number of persons				
	1-3	4	5	6	7-10
Kitchen	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>	9m <sup>2</sup>	11m <sup>2</sup>
Total communal living space**	13.5m <sup>2</sup>	17m <sup>2</sup>	18m <sup>2</sup>	20m <sup>2</sup>	27.5m <sup>2</sup>

\* independent living only

\*\* occupiers forming a group (includes kitchens, dining rooms and living rooms - the kitchen must be at least the minimum size specified above)

## ACCOMMODATION WITH FACILITIES FOR THE EXCLUSIVE USE OF OCCUPIERS

These standards apply where all facilities are for the exclusive use of occupiers forming a single household ie an individual or family (husband, wife, partner, child, stepchild, step parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece, cousin, foster child) ie

- self-contained flats within HMOs.

	Number of persons				
	1	2	3	4	5
Bedroom	6.5m <sup>2</sup>	10m <sup>2</sup>			
Combined bedroom and living room	9m <sup>2</sup>	14m <sup>2</sup>			
Combined bedroom, living room & kitchen	13m <sup>2</sup>	19m <sup>2</sup>			
Kitchen	4m <sup>2</sup>	5m <sup>2</sup>	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>
Living Room	8m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>

## HOSTELS

These standards apply to HMOs where board is provided as part of the occupancy.

	Number of persons				
For exclusive use of occupants	1	2			
Bedroom	6.5m <sup>2</sup>	10m <sup>2</sup>			
Combined bedroom and living room where no separate living room is provided.	9m <sup>2</sup>	14m <sup>2</sup>			
Family bedroom (2 adults and 1 child under 10 years old)	14.5m <sup>2</sup> or 18.5 m <sup>2</sup> where no separate living room is provided.				
	Number of persons				
For shared use of occupants	1-3	4	5	6	7-10
Kitchen (all main meals* not provided)	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>	9m <sup>2</sup>	11m <sup>2</sup>
Kitchen (all main meals provided)	5m <sup>2</sup>	5m <sup>2</sup>	5m <sup>2</sup>	5m <sup>2</sup>	7m <sup>2</sup>
Communal living room (not required if individual bedroom and living room meet the standard above)	8.5m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	16.5m <sup>2</sup>
	11-15	16 or more			
	21.5m <sup>2</sup>	At discretion of Local Authority			

\* three meals a day (to be provided each day of the week)

### **3. Proposed additional licensing conditions**

#### **Schedule 1**

##### **Mandatory conditions**

1. If gas is supplied to the house, to produce to the Authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
2. The licence holder is required to keep electrical appliances and furniture made available in the house in a safe condition and is required to supply the Authority, on demand, with a declaration as to the safety of the appliances and furniture.
3. The licence holder is to ensure that smoke alarms are installed in the house and to keep them in proper working order and to supply the Authority, on demand, with a declaration as to the condition and positioning of the smoke alarms.
4. The licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.

#### **Schedule 2**

##### **Discretionary conditions as imposed by Bath and North East Somerset Council**

5. Within 2 months of the date of licensing provide a Domestic Electrical Installation Report on the electrical installation indicating no defects under code 1 or 2. Any report should be less than 5 years old at the date of submission; if this expires during the term of the licence a new report must be submitted. OR, when the current Domestic Electrical Installation Report on the electrical installation expires, provide a new report indicating no defects under code 1 or 2. Any report should be less than 5 years old at the date of submission.
6. A declaration is to be provided on demand that the emergency lighting system is in proper working order. Emergency lighting to be maintained in accordance with the relevant British Standard (BS5266: Part 1: 2005).
7. A satisfactory certificate of inspection and testing as required under BS 5839-6: 2004 fire alarm system is to be provided on demand. Also indicate in writing which rooms and communal areas contain a smoke detector or heat detector.
8. There is to be no obligate sharing of bedrooms.
9. Tenants are to have 24hr direct access to all toilet, personal washing and cooking facilities and equipment.
10. Where bedrooms are not internal or there is not internal access to the main house, the bedroom must have en-suite bathroom facilities including WC, wash hand basin and shower or bath. There must be 24 hours access to all kitchen, dining and communal facilities.
11. Sufficient containers must be provided for household recycling and rubbish within the unit of accommodation and outside in an appropriate area. Additional containers can be

provided by contacting Council Connect on 01225 39 40 41 or  
[councilconnect@bathnes.gov.uk](mailto:councilconnect@bathnes.gov.uk)

12. All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in a reasonable condition and free from litter. Where the occupants are responsible for maintaining the outside space they must be provided with suitable and sufficient tools to do this. Where tools are provided they must be allocated appropriate storage.
13. The Licence Holder and any Manager are required to monitor garden maintenance and take the necessary steps to resolve any non-compliance.
14. Within 2 years form the date of licensing, the licensed property must achieve a minimum energy efficiency rating of "E" as determined by an Energy Performance Certificate (EPC).

This condition will be met if the licenced property has reached an energy efficiency rating of "E" or the maximum package of measures that can be funded under the Green Deal and ECO (Energy Company Obligation) have been carried out, even if this does not take the energy rating up to an 'E'. A copy of the latest EPC to be provided on demand.

15. The HMO licensing standards document should be complied with at all times by the owner and any manager. This document may be updated during the term of the licence and it is the responsibility of the owner and any manager to ensure that they are aware of and are complying with the latest version. The latest version of the licensing standards can be found at **[www.privatehousinginformation.co.uk](http://www.privatehousinginformation.co.uk)**.
16. The following facilities and/or equipment detailed in the attached schedule of works must be provided within the stated time-scales:

Condition	Point number on schedule 3	Maximum time scale
Personal washing and toilets facilities		1 year
Kitchen facilities		1 year
Ventilation		1 year
Space heating		1 year
Fire precautionary facilities and equipment		6 months
Space standards		1 year
Permissions		

Above time scales start from the issue date of the licence.

These works are required for the property to meet the HMO licensing standards. Information from the application form indicated full compliance with the standards in other respects. It will be regarded as a breach of conditions if, on inspection, this is not the case.

17. Where a fire risk assessment in accordance with LACoRS "*Housing - Fire Safety, Guidance on fire safety provisions for certain types of existing housing*" has been used to determine fire precautions, the precautions must be reviewed annually. They must also



be reviewed whenever there are alterations to the property or its contents and at changes of tenancy to ensure the fire precautions are appropriate to the risk.

18. Provide details of fire exit routes to tenants. Ensure that all tenants are aware of fire and fault indications of the fire alarm system, are adequately familiar with controls (e.g. resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire.
19. Each bedroom must have sufficient means for ventilation that can be maintained securely while the occupants are absent to minimise occurrence of damp and mould.
20. At the start of all new tenancies, all tenants must be made aware of the 'Bath and North East Somerset undertaking of good practice'. A copy must be given to each tenant and the recycling and rubbish collection notice must be displayed in the property. Attached as Appendix X.
21. The licence holder must provide a list of all occupants within 28 days if requested to do so by the local authority.
22. The licensed HMO must be managed in accordance with The Good Management Code of Practice. A copy of the Code is to be provided to all tenants. Attached as Appendix X.
23. Any person becoming involved in the management of the property after the licence date must be a fit and proper person, an application for a test must be made to the Council.
24. The licence holder and/or manager must notify the local authority of any change of name, address and any other contact details.
25. Where food is provided, food handlers must have adequate food safety training.
26. The layout of the property, including any numbering of rooms must not be altered without first gaining written permission from the council. Requests to alter the layout should be made in writing and include a full description of the proposed changes and the reason for doing so.
27. The property is to be occupied in accordance with and by no more than the number of persons and households identified in the table below:

Floor	Room	Shared (S) or Exclusive (E) facilities	Sleeping for (no. of persons)
x	x	x	x

The permitted number for the property is **X** households and **X** persons.

## **Good Management Code of Practice**

Signing up to this code provides supporting evidence that the proposed licence holder will have satisfactory management arrangements in place for the property.

### **Conduct**

The landlord agrees to conduct business with regard to the property and the tenancy in a courteous, reasonable and equitable manner and to answer promptly queries and issues raised by the tenant.

### **Inventories**

The landlord agrees to ensure that an inventory is signed by both parties at the beginning of the tenancy (or as soon as practicable afterwards) and to give the tenant the opportunity both to carry out a joint inventory inspection at the outset and to discuss the inventory at the end of the tenancy.

### **Deposits**

The landlord agrees to comply with all statutory obligations regarding tenancy deposit protection if a deposit is taken.

### **Repairs and maintenance**

The landlord agrees to carry out repairs within a time period appropriate to the severity of the problem, keeping as far as is practicable to the guide timescales given below\*. The landlord agrees to uphold as far as practicable all undertakings given on work to be completed prior to the tenant moving in, to consult the tenant when planning other major maintenance work during the tenancy and to give reasonable notice (except in emergencies) and details of any work, servicing or testing to be carried out. The landlord agrees to set up effective monitoring arrangements to check the condition of the building and installations.

### **Landlord's access to property and other statutory requirements**

The landlord agrees to comply with all statutory obligations under housing and landlord & tenant legislation, associated regulations, Codes of Practice and British Standards including the legal requirement to gain access to the property (for inspection, repairs, monitoring or other reasons) only by prior arrangement with the tenant and having given 24 hours' notice (except in emergencies).

### **Neighbours**

The landlord agrees to take reasonable steps to minimise any nuisance, alarm, harassment or distress that may be caused to neighbours by the way the property is used. The landlord agrees to offer occupiers of the immediately neighbouring properties a contact telephone number, address or e-mail address to report any problems, to ensure that "To Let" or "Let"

boards are not left up as long-term advertising features, to keep the external appearance of the property in a reasonable condition and to make reasonable arrangements for the storage and disposal of refuse.

**\*Guide to repair timescales once a fault has been reported**

Emergency repairs - **24 hours** (Affecting health or safety e.g. major electrical fault, blocked WC).

Urgent repairs - **5 working days** (Affecting material comfort e.g. hot water, heating or fridge failure, serious roof leak).

Other non-urgent repairs - **20 working days**

## Undertaking of good practice

### Bath and North East Somerset – HMO Licensing



#### IT IS A CONDITION OF THE HMO LICENCE THAT THIS DOCUMENT IS PROVIDED TO ALL TENANTS

This document is intended to ensure that tenants are aware of their responsibilities relating to waste management, fire safety and anti-social behaviour.

### Waste and recycling

Tenants have a responsibility to:

- co-operate with the provisions in place for the storage and collection of recycling and rubbish and, to make sure that it is separated correctly;
- to put out recycling and rubbish for collection using the correct containers by **7am** on their collection day, or as late as possible **after 8pm** the previous evening at the front edge of the property;
- to bring containers back in as soon as possible after emptying.

Tenants can be fined for leaving their recycling and rubbish out on the highway at the wrong time or place.

Landlords have a duty to inform tenants when and how recycling and rubbish collections are made. The attached information notice must be displayed in the licensed property.

### Fire safety

The fire precautions are there for the protection of the occupants of the property and should never be interfered with in any way.

- Never prop open doors or disconnect any door closing mechanism. This is especially important when you go to bed at night.
- Every week - check your smoke alarms are working as they should.
- Never interfere with the fire alarm. If you deliberately prevent the fire alarm from working correctly it may result in eviction by your landlord and/or prosecution by the Council.
- If you think that the fire alarm is sounding falsely or not working correctly, contact your landlord about it. Alternatively, contact Housing Services on 01225 396444.
- Always keep the hall, stairs and landings (the escape route) free from obstructions such as bicycles, unwanted furniture etc.
- Make sure you are familiar with using the fire blanket and any fire extinguishers in your home. Report any problems to your landlord.

Remember, if a fire has spread because of your interference with the fire precautions in place, you may also face civil proceedings by the landlord to recover costs for any additional damage caused.

## Neighbours and anti-social behaviour

Examples of anti-social behaviour include excessive noise (shouting, loud music etc.), drunk or disorderly conduct, rubbish dumping, harassment and vandalism.

Tenants should ensure that nothing that they or their visitors do will interfere with other occupants within the house or the neighbourhood. The result of anti-social behaviour on the part of a tenant and/or any of their visitors could include eviction and/or retention of deposits for repairs etc. Tenants can be prosecuted if they continue to cause a nuisance. In addition, cases can be referred to Avon and Somerset Police Anti-Social Behaviour Team which could result in an Anti-Social Behaviour Order (or ASBO).

## TENANTS DECLARATION

**Property address**.....

Licence holder/Manager.....

I .....**name of occupant**.....  
am an occupier of the licenced premises specified above.

My occupation of this property commenced on .....**DATE**.....

I have been informed of my responsibilities in relation to waste management, fire safety and anti-social behaviour at this property.

I confirm that I will co-operate with the landlord in all of the above and understand the consequences if I do not.

Signed .....

Date .....

I .....**name of licence holder/manager**.....  
am the licence holder/manager in respect of the licenced premises specified above.

I confirm that I have explained to the above occupier their responsibilities in relation to anti-social behaviour, waste management and fire precautions at this property.

Signed .....

Date .....

## Recycling & rubbish collections

The collection day for: ENTER ADDRESS

is

ENTER DAY



Rubbish and recycling is collected weekly, garden waste is collected fortnightly

Enter your postcode at [bathnes.gov.uk](https://bathnes.gov.uk) to find out which week you are on.

Put out your recycling and rubbish for collection by **7am** on your collection day, or as late as possible **after 8pm** the previous evening at the front edge of your property

**Please note that you can be fined for leaving your recycling and rubbish out at the wrong time or place**

For more details contact Council Connect on 01225 39 40 41, [councilconnect@bathnes.gov.uk](mailto:councilconnect@bathnes.gov.uk) or visit [www.bathnes.gov.uk/wasteservices](https://www.bathnes.gov.uk/wasteservices)



**POLICE NOTICE: LOCK IT OR LOSE IT! SECURE ALL DOORS AND WINDOWS WHEN YOU GO OUT**

To be displayed in the property



#### 4. Proposed HMO Licensing Fees

All licences to last for a maximum of 5 years.

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HMO Licence (new and renewals)	Discounted fee**	Fee
HMO with up to 4 bedrooms*	£500	£600
HMO with 5 - 7 bedrooms*	£560	£660
HMO with 8 – 10 bedrooms*	£620	£720
HMO with 11 bedrooms* and over	£680	£780

**Additional licensing only:**

Fees calculated based on when either the property became licensable or a new application is required, as follows: year two 20% discount; year three 40% discount; year four 60% discount; year five 80% discount.

**\*Bedrooms**

Includes all rooms used as bedrooms

To work out your HMO licensing fee, the number of bedrooms in a property will be equal to the:

- number of occupied bedrooms in a shared house;
- number of occupied bedsitting rooms in a property split up into bedsits;
- number of occupied self-contained units plus the number of bedrooms/bedsits (where there is a mix of accommodation types).

## **\*\*Discount**

The discount can be claimed to reward Accredited landlords for meeting minimum standards and as a result reduce the workload to the Council. In order to claim the discount the Licence Holder must meet the following criteria at the time of application:

**To claim the discount ALL the following criteria must be met at the time of application and confirmed as such on the application form. Where a property is found to have been operating illegally no discount will be given.**

Application form:

- Submitted online via the Council website;
- Fully completed with all required documentation;
- Submitted by a specified date (where applicable);

Accreditation:

- The licensed property was part of the B&NES Accreditation scheme on the 1<sup>st</sup> September 2013, OR the Licence Holder is accredited by a recognised landlord accreditation scheme e.g. NLA on the date of application. Confirmation to be provided on inspection.

Standards:

- Fully working mains powered and interlinked smoke alarms/detectors provided in each hallway and landing and a heat detector/alarm provided in each kitchen (as a minimum);
- Any locks on bedroom doors and the final exit door are openable from the inside (room side) without the use of a key e.g. thumb turn locks, and all internal key locks removed;
- A fire blanket is provided to the kitchen;

The Council will confirm all standards on inspection.

If at a later date the information above is found not to be the case an invoice will be charged to the Licence Holder for the difference of £100 plus an additional administration fee; the fit and proper person status of the Licence Holder will be reviewed and prosecution will be considered for making a false declaration.

## Charging Policy

- Applications will be accepted no more than 3 months prior to a property becoming licensable.
- Fees are charged on an individual property basis.
- Licences are non-transferable and relate to the named Licence Holder(s) and the specific property. Where the licence holder changes, a new application must be made together with the appropriate fee.
- A licence cannot be issued without a valid application. An application is not considered valid until a complete application, supporting documents and correct payment has been received by the Council.
- The Council reserves the right not to refund fees unless it is legally obliged to do so.
- All fees to be subject to review as part of the Council's budget setting.

### Fees to vary a licence

These fees are for a licence variation where the property is currently licensed. They apply to each property that needs varying.

When issuing licences interested parties will be served with a proposed licence. This is the opportunity to check the licence and ensure all information is correct.

Varying a licence	Fee
Where the Council is responsible for the variation (e.g. to make changes following compliance with a licensing condition)	No fee
Change of licence holder (licences cannot be transferred)	New application fee
Change of manager, management arrangements or emergency contact specified on the licence	£54.00
Reduction in the number of occupiers and/or households	£54.00
Increase in the number occupiers and/or households	£54.00 + Where the variation is to increase occupancy to a higher band the difference in fees will also be required.
Any other modifications to the information that appears on the actual licence	£54.00

### Other fees, charges and refunds

These fees are applicable in relation to licence applications or where the property is currently licensed. They apply to each individual property.

Description	Fee
Where a licensable HMO has been found to be operating without a valid licence	Full application fee with reduced duration of licence  Fine of up to £20,000 on prosecution.
Revocation of licence	No fee and no refund
Application to licence following revocation of licence	Full application fee
Application refused by the Council e.g. not satisfactory management arrangements or licence holder/manager not considered fit and proper	No refund given
Application of a licensable HMO withdrawn by the applicant	Full application fee with no refund
Application made in error as property does not require a licence	Full refund given
Temporary Exemption Notice (TEN)	No fee
Replacement or additional electronic copy of the licence/or part of	No fee
Replacement or additional paper copy of the licence/or part of	£14.00

## 5. Amendments following consultation

### Changes made as a result of consultation

Item consulted on.	Amendments following consultation responses		Detail / Reasons
	Before	After	
<b>Licensing conditions</b>			
<b>5</b>	Within 2 months of the date of licensing provide a Periodic Inspection Report on the electrical installation indicating no defects under category 1 or 2. Any report should be less than 5 years old at the date of submission; if this expires during the term of the licence a new report must be submitted. OR When the current Periodic Inspection Report on the electrical installation expires, provide a new report indicating no defects under category 1 or 2. Any report should be less than 5 years old at the date of submission	Within 2 months of the date of licensing provide a Domestic Electrical Installation Report on the electrical installation indicating no defects under code 1 or 2. Any report should be less than 5 years old at the date of submission; if this expires during the term of the licence a new report must be submitted. OR, when the current Domestic Electrical Installation Report on the electrical installation expires, provide a new report indicating no defects under code 1 or 2. Any report should be less than 5 years old at the date of submission.	Updated to reflect changes in electrical standards and corrections.
<b>10</b>	All bedrooms, bathrooms, toilets, kitchens, communal space and shared facilities must be contained within the same building and be internally accessed. Facilities and amenities are for use by the occupants of the licenced premises only. Externally located bedrooms	Where bedrooms are not internal or there is not internal access to the main house, the bedroom must have en-suite bathroom facilities including WC, wash hand basin and shower or bath. There must be 24 hours access to all kitchen, dining and communal	In response to consultation and acknowledgement that existing garage conversions are legal and meet Building Regulations, planning requirements and Housing legislation.

	are not acceptable. Converted garages will not be acceptable unless designed to be internally accessed and meet appropriate standards for domestic use.	facilities.	
<b>11</b> (now removed)	All reasonable steps must be taken to advise all occupants of their weekly recycling and rubbish collection day and how to correctly put it out for collection from the front edge of the property.	Removed	Removed as duplication of condition 23.
<b>12</b> (now 11)	Correct and sufficient containers must be provided for household recycling and rubbish within the unit of accommodation and outside. Additional containers can be provided by contacting Council Connect on 01225 39 40 41 or <a href="mailto:councilconnect@bathnes.gov.uk">councilconnect@bathnes.gov.uk</a>	Sufficient containers must be provided for household recycling and rubbish within the unit of accommodation and outside in an appropriate area. Additional containers can be provided by contacting Council Connect on 01225 39 40 41 or <a href="mailto:councilconnect@bathnes.gov.uk">councilconnect@bathnes.gov.uk</a>	Edited wording and incorporated condition 13 below in a lighter format following consultation.
<b>13</b> (now removed)	All recycling and rubbish containers must be provided with a dedicated and appropriate storage area	Removed.	Removed and added to condition above.
<b>14</b> (now 12)	All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in a neat and tidy condition. Where the occupants are responsible for maintaining the outside space they must be provided with suitable and sufficient tools to do this. Where tools are provided they must be allocated appropriate	All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in a reasonable condition and free from litter. Where the occupants are responsible for maintaining the outside space they must be provided with suitable and sufficient tools to do this. Where tools are provided they must	Responding to consultation and rewording to add clarification.



	and secure storage outside of the main house.	be allocated appropriate storage.	
<b>16</b> (now 14)	Within 2 years from the date of licensing, the licensed property must achieve an energy efficiency rating of C or better as determined by the Energy Performance Certificate (EPC). Where the property cannot be legally improved to this level, the best possible rating must be achieved and all practical recommendations as determined by the EPC must be made. A copy of the EPC to be provided to Housing Service once the required rating has been met, maximum 2 years from the date of licensing. A copy of the latest EPC to be provided on demand. This is applicable to all licenced properties.	Within 2 years from the date of licensing, the licensed property must achieve a minimum energy efficiency rating of "E" as determined by an Energy Performance Certificate (EPC).  This condition will be met if the licenced property has reached an energy efficiency rating of "E" or the maximum package of measures that can be funded under the Green Deal and ECO (Energy Company Obligation) have been carried out, even if this does not take the energy rating up to an 'E'. A copy of the latest EPC to be provided on demand.	Changes are in response to concerns raised during the consultation and to maintain alignment with the forthcoming requirements of the Energy Act 2011.
<b>17</b> (now removed)	The licence holder and manager (if there is one) is to attend a recognised training course on the Approved Code of Practice relating to the management of HMOs within 12 months of publication of the code. Details will be available from the Council.	Removed.	This condition has been removed as there is currently no nationally approved code of practice available and concerns were raised during the consultation exercise.
<b>20</b> (now 17)	Where the LACoRS "Housing - Fire Safety, Guidance on fire safety provisions for certain types of existing housing" has been used to determine fire precautions, the precautions must be reviewed annually. They must also be	Where a fire risk assessment in accordance with LACoRS "Housing - Fire Safety, Guidance on fire safety provisions for certain types of existing housing" has been used to determine fire precautions, the precautions	Wording added to the beginning of the condition to add clarity.

	reviewed whenever there are alterations to the property or its contents and at changes of tenancy to ensure the fire precautions are appropriate to the risk.	must be reviewed annually. They must also be reviewed whenever there are alterations to the property or its contents and at changes of tenancy to ensure the fire precautions are appropriate to the risk.	
<b>22</b> (now 19)	Each habitable room must have sufficient means for ventilation which can be maintained securely while the occupants are absent.	Each bedroom must have sufficient means for ventilation that can be maintained securely while the occupants are absent to minimise occurrence of damp and mould.	Discussions with Accreditation Working Group considered. More clarity given on reasons for the ventilation requirement. Also made specific for bedrooms.
<b>23</b> (now 20)	At the start of all new tenancies, the Manager or Licence Holder must ensure that all tenants sign up to the 'Bath and North East Somerset sign up to the 'Bath and North East Somerset undertaking of good practice'. A copy must be given to each tenant and a copy signed and retained by the Manager or Licence Holder for the duration of the tenancy and provided to the council on demand.	At the start of all new tenancies, all tenants must be made aware of the 'Bath and North East Somerset undertaking of good practice'. A copy must be given to each tenant and the recycling and rubbish collection notice must be displayed in the property. Attached as Appendix X.	Changes made following responses, namely what happens if tenants refuse to sign? Also, most of these aspects are already contained within tenancy agreements which are something landlords have more control over.  The recycling and rubbish collection notice will be more beneficial if attached to the licence and displayed in the property.
<b>24</b> (now 21)	The licence holder must provide a list of all occupants within 28 days if requested to do so by the local authority. *A list is hereby required for this property.	The licence holder must provide a list of all occupants within 28 days if requested to do so by the local authority.	Final sentence removed as this would be requested in a separate correspondence.
<b>25</b> (now 22)	The Code of Good Management Practice is to be complied with. A copy of the Code is to be	The licensed HMO must be managed in accordance with The Good Management	Changes made to clarify the requirement.

	permanently displayed in the common parts of the property so as to be visible by all tenants.	Code of Practice. A copy of the Code is to be provided to all tenants. Attached as Appendix X.	Copy to be given to all tenants rather than displayed (in response to point raised by Accreditation Working Group that too many documents need to be put up on the wall) and attached to the licence.
<b>26</b> (now 23)	Any person becoming involved in the management of the property after the licence date must be a fit and proper person, an application for a test must be made.	Any person becoming involved in the management of the property after the licence date must be a fit and proper person, an application for a test must be made to the Council.	Changes made to clarify the requirement.
<b>Good Management Code of Practice</b>	Section on deposits: The landlord agrees to withhold any deposit only for the purpose for which it was levied, to return deposits as soon as possible after the end of a tenancy (in any event within 4 weeks) and to provide written details and receipts for any deductions which may be made. The landlord agrees to hold deposits in accordance with an authorised Tenancy Deposit Scheme once this legislation is introduced.	The landlord agrees to comply with all statutory obligations regarding tenancy deposit protection if a deposit is taken.	Changes made to bring up to date with legislation.
<b>Undertaking of good practice</b>	Under the section entitled 'Neighbours and anti-social behaviour' final sentence <i>Students may risk sanctions from their university.</i>	Remove this sentence. Also, some minor editing to the wording and layout.	To avoid singling out students in response to consultation comments from Bath Spa and Bath Spa Students Union. To add clarity.

<b>Licence fee</b>	Fees starting at £675 for a 2 unit (room) HMO with an additional £30 per unit.	<p>New fee structure: £600 for a small (2 - 4 bedroom) HMO, £660 for a large 5 - 7 bedroom HMO, £720 for 8 - 10 bedrooms, £780 for 11 bedrooms or more.</p> <p>There is also a discount of £100 for accredited landlords who submit a fully completed application and meet specified fire safety criteria.</p> <p>Also, some editing to the wording and detail given on other fees.</p>	<p>Consultation responses from landlords and landlords associations that fees were too high and that there was no recognition of good landlords.</p> <p>Consultation also requested simplicity.</p> <p>If completed correctly with all accompanying documentation and simple requirements met, applications can be less time consuming than others.</p> <p>More clarity given on other charges.</p>
<b>Proposed area where additional HMO licencing will apply</b>	The proposals contained a single area for licencing which included all of the Wards of Oldfield, Westmoreland, Widcombe and small areas of adjacent Wards.	The proposed area has been reduced to remove a section of Southern Widcombe.	<p>The NLA raised the question about why some parts of Widcombe Ward, which contain very few shared house HMOs, are included in the proposed area for additional licencing. The alternative area was discussed and proposed.</p> <p>The before and after maps are attached below.</p>
<b>Evidence report</b>	The updated evidence report is also appended to the panel report		
	Updated version.		In response to consultation where the evidence based was questioned and not

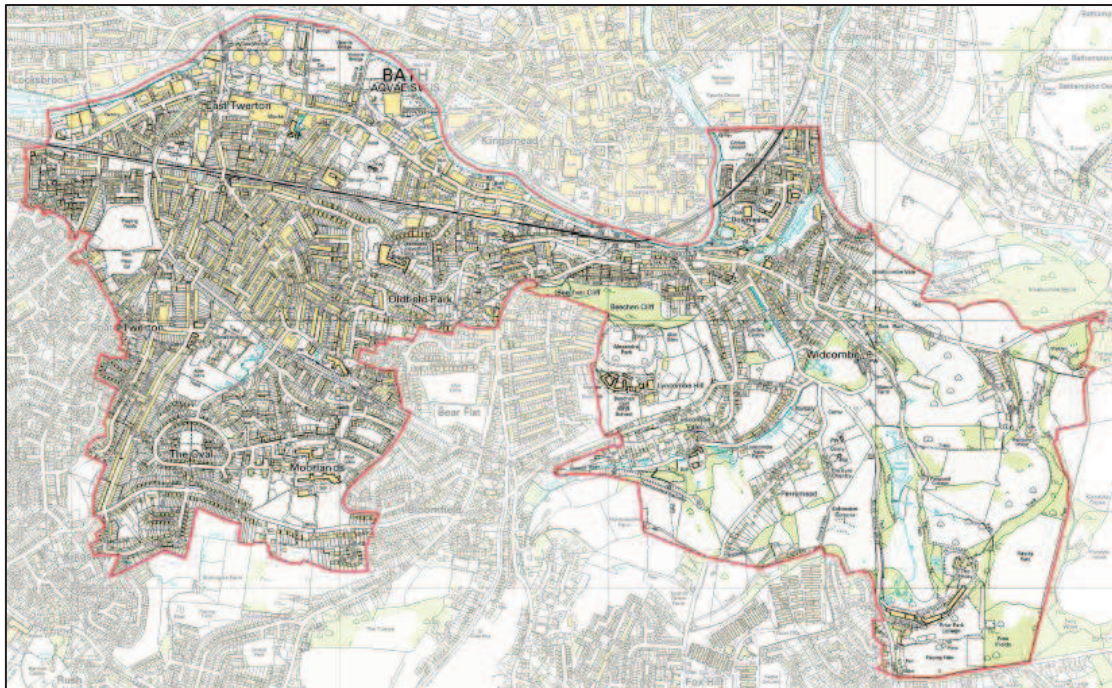
		considered balanced, amendments have been made to ensure as much evidence is captured as possible and that a balanced case is put forward. General formatting and editing has been carried out as well as a major overhaul of the layout and all sections to ensure it reads better, is clearer and information is easier to find. Main changes are indicated below.
	Executive summary	This section has been modified to better and concisely represent the information contained in the report.
	Contents	Updated.
	Fuel poverty section amended	In response to consultation to ensure the message is not misleadingly linking fuel poverty to HMOs.
	Section on fire amended	Edited in response to consultation to ensure accurate reflection of the data.
	Article 4 Direction summary	Section added to show responses from the consultation on Article 4.
	Section on student population removed	Not beneficial to the aim of the report.
	HMO occupants survey	Introduction edited. Section on gardens amended for clarification following consultation response.
	Analysis of combined effects	New section added to bring the evidence together.

	Alignment with other strategies and initiatives	New section added in response to consultation responses.
	References	Updated
	Glossary	New section added for clarity

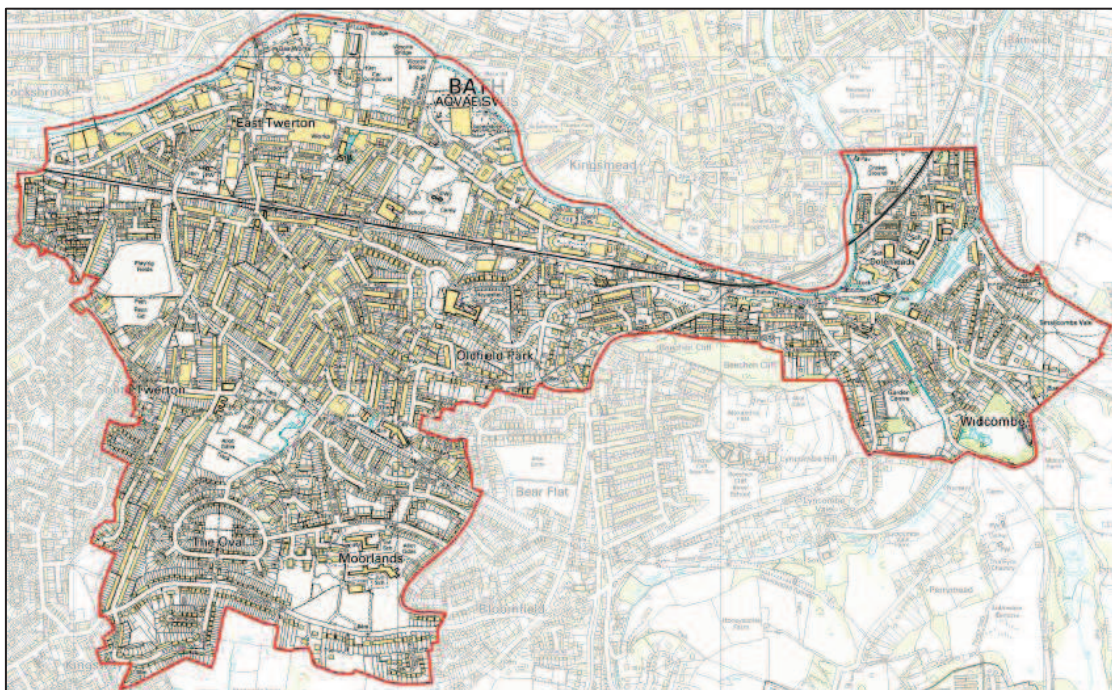


## Proposed additional licensing area – before and after

### Before consultation



### After consultation



## 6. Risk assessment

Risks associated with the implementation of additional licensing						
Description of risk	Description of impact	Probability of risk	Impact	Preventative action	Action by	Outcomes of action
Threat of Judicial review. Challenge to the decision to implement a scheme on the grounds that the legislative conditions to justify a scheme are not met.	Resources taken up with defending a challenge. Delayed implementation.	Medium	High	<p>1. Evidence report and the draft designation report have regard to consultation and expert independent legal advice and, present the case in a fair and balanced way .</p> <p>2. Evidence is thoroughly and fairly considered by the elected members and any decision they take is balanced on their application of the legislative test and justified based on the evidence.</p>	<p>1.Housing Services</p> <p>2.B&amp;NES Council Cabinet</p>	A fair and balance decision is made in line with the legislative requirements.

Appeals from landlords to the Residential Property Tribunal Services (RPTS).	Resources taken up responding and defending individual challenges	Medium	Medium	Work with landlords via national associations, accreditation working groups, landlord panel and individuals and promote good working relationships.	Housing Services	Officers and landlords have a good and open working relationship, approachable team members and strong partnerships.
Loss of good relationships with landlords, agents, Universities and Students' Unions.	Reluctance to engage in future initiatives, increased enforcement action.	Low	Medium	Full consultation undertaken. Further engagement work with Accreditation Working Group, University students Unions. Easy point of contact and communication maintained and rationale and reasoning explained.	Housing Services	Keeping everyone informed. Good relationships maintained, future engagement assured and ideas and goals shared.
Alienate certain equality groups	Some groups feel unfairly discriminated against, legal challenge under equality legislation.	Low	High	Ensure robust Equality Impact Assessment) undertaken and equality groups are targeted for consultation. Liaison with Council Equalities Team. Engage equality groups proactively before the scheme is implemented.	Housing Services	All groups are considered and where necessary preventative action taken to avoid discrimination.



Unrealistic expectations from stakeholders.	The scheme is unable to deliver what people expect.	Medium	Medium	Medium	Ensure all stakeholders understand the legislative remit of additional licensing and what can realistically be achieved.	Housing Services	Additional licensing and its aims and objectives are understood and accepted.
Landlords' avoid licensing their properties	Problems not solved, landlords operating illegally, resources taken up finding and prosecuting landlords	High	Low	High	Full consultation process undertaken, local data gathered and landlords kept fully informed. Enforcement action used and publicised.	Housing Services / Landlord Associations and Accreditation Working Group.	Applications received. Better understanding and support for additional licensing because it is understood and widely known about.
Some landlords sell their HMOs in the designated area or leave empty.	Less multi occupied accommodation available in the area.	Medium	Low	Medium	Full consultation with landlords. Rationalise the fees. Promote a good working relationship with landlords. Ensure landlords and tenants are fully aware of the facts. Promote benefits.	Housing Services / Accreditation Working Group and Landlord Panel.	More landlords continuing to work with the Council.
Increase in rents.	Vulnerable people are unable to afford housing in designated area. Dispersal of HMO accommodation across the City.	Medium	Low	Medium	Full consultation with landlords and tenants. Rationalise the fees and ensure facts are fully understood. Promote the benefits. Initial evidence indicates that licensing does not lead to increased rents.	Housing Services / Accreditation Working Group.	Tenants see the benefits of safer and better managed accommodation. Rents are fair.

Opportunity costs - resources could be targeted elsewhere e.g. time and other resources taken off other services.	Missed opportunities in taking and continuing other initiatives or performing other duties due to the time taken up with working on additional licensing.	High	Medium	Inevitable but acknowledged.	Head of Housing	
Inadequate management of scheme by LHA.	Problems not improved, loss of credibility, services not delivered appropriately, loss of trust from landlords and partners.	Low	High	Ensure the scheme is properly resourced and staff/officers are fully trained. Follow enforcement policy robustly.	Head of Housing / Housing Services	Scheme successfully implemented and running, officers are well trained and efficient. Monitoring is carried out throughout the duration of the scheme.
Fee income does not cover costs	Other Council resources have to be used to supplement the licensing scheme, OR, the scheme is unable to be effectively delivered.	Low	High	Ensure accurate financial and operational information is used.	Head of Housing / Housing Services	Scheme is run within budget (self-funding).
Far higher numbers of properties require licensing than anticipated.	Unable to cope with demand, resources taken off other areas to deal with the scheme.	Low	High	Ensure robust evidence is gathered. Ensure scalability of the service.	Housing Services	Sufficient resources are put in place to cope with demand.

Far fewer properties require licensing than anticipated.	Too many resources have been put in place and fees income does not cover the costs of the scheme.	Low	High	Ensure robust evidence is gathered. Ensure scalability of the service.	Housing Services	Appropriate resources are put in place and flexible approach will allow adjustments to be made if required.
Failure to meet expectations regarding timescales of inspections.	Loss of reputation. Landlords feel they are not getting value for money. Residents think scheme is not being delivered. Cllrs unhappy with Service. Impression that nothing is being done.	medium	High	Strategic planning before scheme comes in to ensure inspection programme is designed and managed and resources are 'front loaded'. Ensure strong communication with stakeholders.	Head of Housing / Housing Services Manager	Adequate resources put in to ensuring the scheme is well managed and inspections are given priority. More realistic expectations from stakeholders who are well informed.
Not following up on enforcement of scheme requirements.	Loss of reputation. Stakeholders feel the scheme is not working. Some landlords feel let down and that poorer landlords are getting away with non-compliance.	Medium	High	Enough resources in place to follow up on enforcement action including: skilled officers, finance, and legal support. Management support and clear enforcement policy.	Head of Housing / Housing Services Manager	Skilled staff with the ability and necessary resources to quickly take enforcement action where appropriate in line with Housing Services Enforcement Policy.



Insufficient office space for additional staff.	Insufficient desk space for staff.	Medium	Medium	Implement mobile working to free up office space. Careful management and reallocation of staff, use of flexible working, utilising additional existing desks available throughout the council buildings.	Housing Services Manager / IT	Less office space needed as officers will be more efficient and have the technology and ability to work away from the office more. Sufficient supply of office space and desks as and when required.
Performance and outcomes of the licensing process not adequately measured	Inadequate performance management. Successes/failure of the scheme not measured.	Low	High	Ensure measures and monitoring procedures are put in place at the beginning of the scheme.	Head of Housing / Housing Services Manager	Scheme is delivered with measurable outcomes on time and within the designation period.

Appendix 2

## HOUSING SERVICES

### EVIDENCE FOR AN ADDITIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION IN BATH AND NORTH EAST SOMERSET



v2.1 - March 2013

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## 1 EXECUTIVE SUMMARY

The Council is considering whether there is a need to implement an additional licensing scheme for Houses in Multiple Occupation (HMOs) in Bath and North East Somerset. An additional licensing scheme would operate together with the current mandatory scheme, which only licenses larger HMOs in the area.

In order to justify having an additional licensing scheme for either the whole or part of the district, the Council must be satisfied that a significant proportion of HMOs in that area are being managed ineffectively and that this is likely to result in occupiers or members of the public experiencing particular problems. If it is, the Council must additionally be satisfied that no other effective course of action is available to it to tackle the problem.

The sorts of particular problems that are common in HMOs include increased fire risks, cold homes with inadequate energy efficiency measures, risk of falling on stairs and poor arrangements for storing and disposing of domestic waste. Areas with high concentrations of HMOs show a relationship with domestic waste complaints and requests for street sweeping.

HMOs are flats or houses lived in by three or more people from more than one household and are usually privately rented. These include shared houses and bedsit accommodation.

Over the last 10 years the private rented sector has dramatically increased, with a corresponding growth in the number of HMOs with shared facilities in the district. With an anticipated increasing demand for affordable housing it is likely that the number of HMOs will continue to grow.

The people that live in HMOs with shared facilities tend to be low-income households who are often young, single and transient in nature, including students. They also provide essential accommodation for vulnerable and otherwise homeless households who can't afford other private housing options. These type of tenants are likely to need strong and effective property management arrangements in order to support them in being good tenants as they may have less experience in running a home and less awareness of the impact of poor housing conditions and how their actions can impact on the local community. HMOs are often, therefore, lived in by the people who will benefit most from an effective good property management service provided by their landlords.

The Council improves HMOs in the private housing sector through mandatory licensing of larger HMOs and voluntary accreditation which both set reasonable standards for HMO landlords to comply with. The Council also proactively inspect properties and respond to housing condition complaints. The Council encourage and, if necessary, enforce reasonable standards of health and safety that protect the occupants. An additional licensing scheme would enable the Council to identify and improve HMOs that are not controlled and inspected under the current schemes.

Nearly half (46%) of the privately rented dwellings in Bath and North East Somerset are HMOs. Some of these are houses converted into non multiple occupancy flats but nearly 4,000 are HMOs with shared facilities. These HMOs are distributed throughout the district but are notably concentrated in the city of Bath and the three Wards of Oldfield, Westmoreland and Widcombe with a peripheral spread into neighbouring Wards.

Fewer than 400 HMOs are inspected and regulated under the mandatory licensing scheme. This means that around 90% of the HMOs with shared facilities in the district are not licensed and, many of these non-licensed HMOs are concentrated in the Wards of Oldfield, Westmoreland and Widcombe.

A recent survey of housing stock found that one in every eight HMOs in the Bath and North East Somerset area have at least one serious health and safety hazards and that HMOs in Oldfield Ward have significantly more of the most serious health and safety hazards than average over all sampled HMOs in the district. The survey found that in Oldfield Ward, one in three HMOs has a serious health and safety hazard. HMOs in Widcombe and Westmoreland did not show any significant difference. The survey also found that across the district as a whole, HMOs had a slightly lower rate of hazards than the other privately rented stock.

Of the 364 HMOs that have been subject to mandatory licensing, one in four have had at least one significant hazard, such as excess cold, fire risk and falling on stairs, that has needed to be remedied. It is estimated that the health and safety risk prevention of mandatory licensing has protected over 500 local residents from potential harms.

Within the Wards of Oldfield, Westmoreland and Widcombe, nearly one in three mandatory licensed HMOs have been assessed with a significant hazard(s) compared to one in five in the remaining Wards.

There are around 1500 properties in the Accreditation scheme which protects nearly 5,000 occupants. Nearly one third of these accredited properties have had to have remedial works to reach the minimum health and safety standard or higher. Landlord engagement has been very productive and demonstrated a willingness to provide safe and well managed homes. However, the scheme is voluntary and the rate of engagement has fallen in the last few years.

The evidence in Section 6 of the report includes consultation feedback from residents and HMO tenants as well as evidence from the Council's Housing Services who respond to complaints and inspect HMOs. 62% of HMO residents were very happy with the management of their home for example:

*"The landlord provides everything and we were well informed about all the different procedures. Have always had a good experience and the house is in good condition."*

However, the Council receives more than 400 service requests relating to HMOs every year and some HMO tenants and residents have expressed serious concerns and experienced



disrepair and poor management that have put their health and safety at risk and caused community concern. 24% of HMO residents expressed dissatisfaction with the management of their homes, for example:

*“My landlord is very kind but maintains the house to bare minimum, damp under floor, in bedrooms, in bathrooms, rats etc. all dealt with minimally.”*

Throughout this report the evidence, when viewed cumulatively, indicates that whereas a large number of occupants are content with their landlord's management, a significant number of them are not and, in the absence of any other effective means of control, there is justification for a targeted additional licensing scheme.

The Council has implemented a number of different activities aimed at improving HMOs and reducing the negative impact of some HMOs. Additional licensing could compliment these activities and fit in with the Councils existing agendas and strategies. If an additional licensing scheme is introduced to cover HMOs with shared facilities in the proposed target area centred around Oldfield, Westmoreland and Widcombe, it is estimated that it could regulate up to 1,400 Houses in Multiple Occupation and identify up to 400 HMOs with a significant health and safety hazard affecting the health of up to 1600 potentially vulnerable people.

## 2 INTRODUCTION TO THE EVIDENCE REQUIREMENT

Houses in Multiple Occupation (HMOs) are buildings or parts of buildings which are occupied by three or more people from more than one household. These may be occupied as bedsits, shared houses, hostels or a combination of these. Some buildings converted into self-contained flats are also HMOs. The majority of HMO accommodation is privately rented.

In locations where property and rental prices are high such as Bath, HMOs provide essential accommodation for young professionals. However generally, occupiers of HMOs tend to be low-income households, mainly because they are either economically inactive, full-time students or working in low-paid jobs<sup>1</sup>. These types of tenants are more likely to be vulnerable, have less financial backing and disadvantaged in the marketplace<sup>2</sup>.

The number of young people aged 15-24 in Bath and North East Somerset has increased by 27% since 2001 and is higher than the national average<sup>3</sup>. It can be assumed that the demand for HMOs has increased alongside the changing demographics.

The Housing Act 2004 increased Local Housing Authority's (LHA) abilities to regulate HMOs by introducing licensing. Mandatory licensing applies to HMOs of 3 storeys or more, occupied by 5 or more people who are not a single household. Additional licensing allows the LHA to designate all or part of their district to be subject to additional licensing for classes of HMOs specified by the LHA.

Following the introduction of a General Approval Order in March 2010<sup>4</sup> an LHA can now introduce additional licensing without the need for Secretary of State approval. However, introducing additional 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 February 2010<sup>5</sup>.

The legislative requirement for additional licensing of HMOs will only allow the Council to implement a scheme if it can be shown that a significant proportion of the HMOs 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.

<sup>1</sup> DETR (1999), cited in DCLG, Evidence Gathering – Housing in Multiple Occupation and possible planning responses, Final Report, 2008

<sup>2</sup> Private Renting in Transition, Coventry, Chartered Institute of Housing, PA Kemp, 2004

<sup>3</sup> Census 2011 First Release – Key findings for Bath and North East Somerset, [www.ons.gov.uk/census-2011](http://www.ons.gov.uk/census-2011) (taken from [www.bathnes.gov.uk](http://www.bathnes.gov.uk) [2012])

<sup>4</sup> [The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation \(England\) General Approval 2010](#)

<sup>5</sup> Approval steps for additional and selective licensing designations in England, Department for Communities and Local Government, Revised edition February 2010.

### 3 CONTEXT OF HMOS

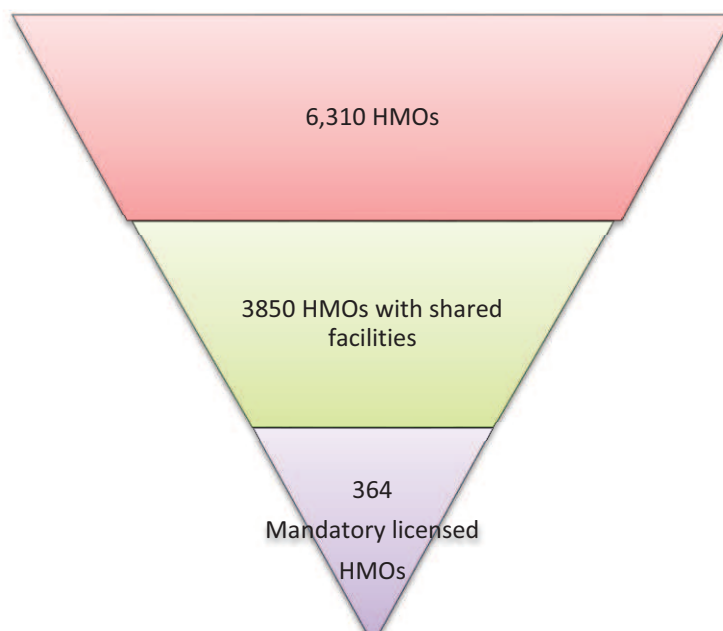
The total housing stock in Bath and North East Somerset is 77,530 with 18% (13,730) privately rented<sup>6</sup>.

This indicates the private rented sector in B&NES has increased significantly since the 2004 B&NES House Conditions Survey which estimated 10% of the stock was privately rented.

The 2001 Census put private rented tenure in B&NES at nearer 12%, compared to the 2011 Census which suggested an increase to nearly 17%. There is some disagreement on the absolute but nonetheless indicates a large increase in B&NES which is expected to grow further. For comparison, the 2011 Census puts private rented tenure at nearly 17% across England and Wales.

46% (6,310 dwellings or 4,420 buildings) of privately rented dwellings in B&NES are defined under the Housing Act 2004 as HMOs; this is three times the rate found in England<sup>6</sup>. 3,850 are HMO houses with shared facilities, the rest are houses converted into non multiple occupancy flats.

An HMO with shared facilities is a property where a group of people from different households share a bathroom or kitchen. Where 'HMOs with shared facilities' are referred to in this report, it should be taken as meaning all HMOs excluding section 257 HMOs<sup>7</sup>. Section 257 HMOs<sup>7</sup> are buildings converted entirely into self-contained flats which do not meet the 1991 Building Regulations and less than two thirds of the flats are owner occupied.



<sup>6</sup> B&NES Private Sector Housing Stock Condition Survey, Opinion Research Services, 2012

<sup>7</sup> Housing Act 2004, Section 257

Through various initiatives such as mandatory licensing, voluntary accreditation, and reactive and proactive enforcement, Housing Services have become aware of around 3,500 HMOs (of which 1,800 have shared facilities)<sup>8</sup> of the estimated total of 6,310<sup>6</sup> and in many cases have improved standards of health and safety. Since the introduction of the Housing Act 2004 in 2006, Housing Services have identified 1,175 properties with significant health and safety hazards<sup>16</sup> (up until September 2012). 38% of these were HMOs.

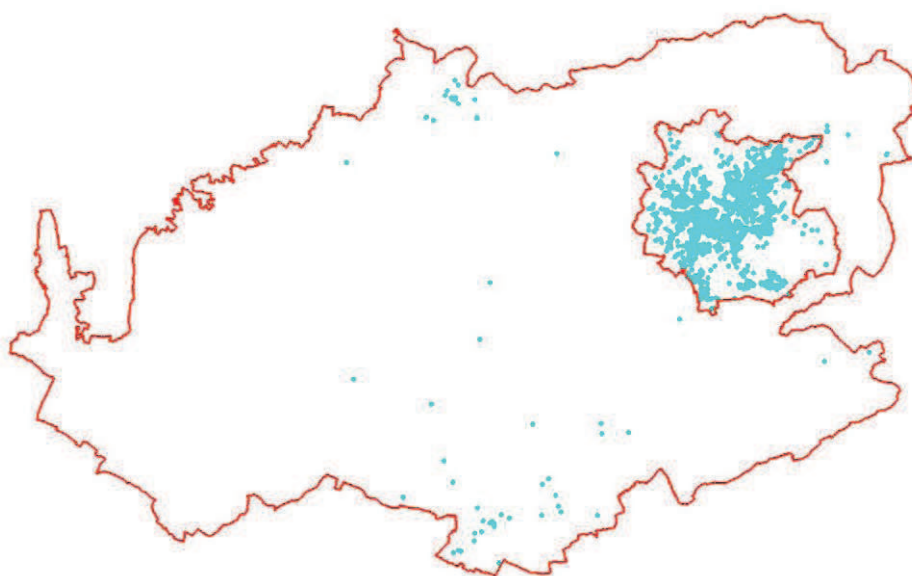
Only 364 HMOs are controlled by mandatory licensing<sup>8</sup> (mandatory licensing is a statutory provision for larger HMOs with 3 or more floors and 5 or more occupants sharing facilities). Despite the improvements seen through the mandatory scheme and voluntary accreditation, the majority of HMOs remain non-licensable with less local authority control.

The B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup> is a survey of house conditions across B&NES. The survey looked at 1000 private sector properties including 124 HMOs. The survey found that 12.2% of HMOs have the most serious health and safety hazards (known as category 1 hazards defined under Part 1 of the Housing Act 2004). This compares to 14.5% of the other private rented stock.

HMOs continue to take up a considerable council resource which is required to respond to and provide remedies for requests for service and to improve standards.

Figure 1 shows the location of known HMOs in B&NES, most of which are located within city of Bath.

Fig. 1 Location of HMOs in B&NES



<sup>8</sup> Housing Services, March 2012

Table 1 shows that of the known HMOs with shared facilities, over 50% are located within the three Wards of Westmoreland (20%), Oldfield (16%) and Widcombe (15%) and that most of these are not covered by the mandatory licensing scheme.

Table 1 also compares the number of known HMOs in each Ward to the total number of households and shows that just over 12% of households in the three Wards of Westmoreland, Oldfield and Widcombe live in HMOs with shared facilities. The table also shows that around half of the 2,260 Council Tax Student Exempt properties in B&NES are located in the three Wards of Westmoreland, Oldfield and Widcombe.

Table 1 HMOs with shared facilities known to Housing Services compared to Ward and households<sup>8</sup>

Ward	HMOs*		HMOs* <u>not</u> covered by mandatory licensing	% of households that are HMOs*	Council tax student exemptions
	% of total	Number			
WESTMORELAND	20	356	291	16	408
OLDFIELD	16	287	233	13	323
WIDCOMBE	15	263	201	11	310
KINGSMEAD	10	180	141	7	244
WALCOT	6	113	101	4	135
NEWBRIDGE	5	93	70	4	62
ABBEY	5	86	67	3	268
LYNCOMBE	4	71	58	3	63
ODD DOWN	4	66	47	3	45
COMBE DOWN	3	46	42	2	58
TWERTON	2	43	41	2	50
LANSDOWN	2	41	33	2	91
LAMBRIDGE	2	40	37	2	19
SOUTHDOWN	2	35	32	1	50
BATHWICK	2	28	22	2	49
WESTON	1	13	13	1	21
Remaining 21 Wards	1	29	27	1.7	64

\*Not including s257 HMOs<sup>7</sup> (buildings converted into self-contained flats which don't meet the 1991 Building Regulations and less than 2/3 are owner occupied)

## 4 ENVIRONMENTAL AND SOCIAL IMPACTS OF HMOS

While many HMOs are well managed, a number do not meet minimum standards and present risks and concerns both for occupants and local residents.

### FUEL POVERTY

The information below on fuel poverty is taken from the local housing stock conditions survey<sup>6</sup>.

In the 3 Wards with greatest numbers of HMOs with shared facilities known to Housing Services, 16-21% of private households are in fuel poverty.

Occupants of a dwelling are considered to be in fuel poverty if they have to spend more than 10% of their net household income in order to get adequate heating and hot water. Dwellings occupied by residents in fuel poverty generally have poor energy efficiency (which is often related to an excess cold hazard) and are also generally occupied by people on low income and least likely to be able to afford improvements<sup>6</sup>.

The Housing Stock Condition Survey<sup>6</sup> tells us that 13.5% of households in the private rented sector are in fuel poverty. The number of occupied private sector properties in fuel poverty in B&NES is slightly lower than the national average but still presents huge issues in terms of both energy efficiency and occupier health<sup>6</sup>.

Fuel poverty is in nearly all cases associated with residents on the lowest incomes, and this bears similarities to some typical occupants of HMOs. In Bath and North East Somerset, 9,090 households (71% of all households in fuel poverty) had an income of less than £10,000 per annum. The majority of the remaining households (2,260) had an income of between £10,000 and £20,000 per year. A small number of households (180) in fuel poverty had an income of over £20,000 per year brought about by the high prices of fuel<sup>6</sup>.

The Building Research Establishment (BRE) Models<sup>9</sup> and B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup> indicate that there are 3 Wards in the City of Bath boundary where over 21% of private sector dwellings have a household in fuel poverty. These are Oldfield, Widcombe and Bathwick. Whereas Bathwick has a low proportion of known HMOs, Oldfield and Widcombe Wards have the second and third highest numbers of known HMOs with shared facilities in the City. The Ward with the highest number of known HMOs with shared facilities is Westmoreland and this has between 16% and 19% of households in fuel poverty which is in the mid-range compared to the other Wards in the City.

<sup>9</sup> Building Research Establishment (BRE) Models, cited in B&NES Private Sector Housing Stock Conditions Survey, 2012



This report is not suggesting there is a direct link between fuel poverty and HMOs but drawing attention to the circumstantial evidence.

## FIRE INCIDENTS

HMO's are often associated with having a higher risk of fire than single family dwellings due to increased occupancy, multiple ignition sources, vulnerable occupants, poor construction and lack of fire prevention measures.

HMOs in B&NES have a higher risk of fire than single household properties.

The 'LACoRS Housing - Fire Safety'<sup>10</sup> national guidance document confirms that existing residential accommodation comprises of a wide range of property types, occupancy arrangements and types of occupants. Fire risk in rented accommodation, and in particular in HMOs, can be complex. HMOs often provide accommodation for people from a wide range of backgrounds and may house vulnerable or disadvantaged groups. In some HMOs there is a high occupancy turnover rate with little social interaction or cohesion between occupiers. The mix of often poor-quality, low-cost housing and vulnerable occupants can lead to a higher than normal fire risk<sup>10</sup>.

According to a Government publication<sup>11</sup>, *"people living in rented or shared accommodation are seven times more likely to have a fire"*.

By using available data from Avon Fire and Rescue Service for the financial year 2011-12 there is no correlation between HMOs per 1000 population and fire incidents in B&NES. Since April 2006 until March 2012, Avon Fire and Rescue Service have also not recorded any dwellings fire fatalities in B&NES, although the Council are aware of a previous fire related death.



Disabled smoke alarm with the cover removed

National figures indicate that annual accidental dwelling fire deaths and casualties have decreased dramatically in the 10 year period from 1999/00 to 2009/10 across all tenures<sup>12</sup>.

In B&NES, although the numbers are low, since 2008 there has been a steady increase in fires reported in HMOs in B&NES year on year up until the end of the calendar year 2011. In addition, from the period of October 2008 to February 2012 there have been 2.83 fires per

<sup>10</sup> [LACoRS Housing - Fire Safety, LACoRS, 2008](#)

<sup>11</sup> Communities and Local Government (CLG) publication, Fire safety in shared or rented accommodation, CLG, 2008

<sup>12</sup> [Fire Kills Campaign, Annual Report 2010-11, CLG, 2011](#)

1000 single household properties in B&NES. This compares to 5.03 fires per 1000 HMOs in B&NES indicating that a fire in a HMO is 1.78 times as likely as in a single household property. Figures relating to fire obtained from Avon Fire and Rescue Service, March 2012. Property numbers obtained from The B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup>.

Around 400 people die every year in accidental house fires. Risk of death is doubled if you do not have a working smoke alarm and faulty electrics cause around 7,000 house fires each year<sup>11</sup>. In addition to this, battery smoke alarms have a 45% failure rate<sup>13</sup>. Over one quarter of occupants of HMOs in Oldfield, Westmoreland and Widcombe who responded to the B&NES HMO residents survey<sup>14</sup>, reported that they only had battery operated alarms.

Fire is one of the most common hazards identified by Housing Services through their reactive and proactive inspection and enforcement work. Mandatory licensing allows the Council to ensure that all HMOs in the scheme have working mains powered smoke alarms and that the electrical installation is checked and maintained. Additional licensing could ensure an adequate level of fire safety is provided.

## DOMESTIC WASTE AND STREET SWEEPING

Council Connect are the front face of the Council and receive enquires related to all manner of services provided by the Council. Amongst other things, they receive public requests relating to domestic waste and street sweeping.

Between January 2010 and March 2012 Council Connect received 1,335 complaints of domestic waste being left out on the wrong day. During the same period Council Connect received 3,313 requests for street sweeping. When specifically looking at the three Wards with the highest numbers of HMOs with shared facilities known to the Council (Oldfield, Westmoreland and Widcombe), in the same period a combined total of 228 domestic waste complaints and 537 requests for street sweeping were received. This averages out to be roughly 9 domestic waste complaints and 21 requests for street sweeping every month.

The total figures from Council Connect were then compared to HMOs known to Housing Services<sup>9</sup> by Ward using linear regression models, which examine the likelihood of two factors being statistically related to each other.

Accounting for the impact of City Centre Wards, the R<sup>2</sup> correlation values suggest there is a relationship between both HMOs and domestic waste complaints and HMOs and requests for street sweeping. The Wards with the highest concentration of HMOs appear to be related to

<sup>13</sup> [Housing Health and Safety Rating System Operating Guidance, ODPM, 2006](#)

<sup>14</sup> Bath & North East Somerset, HMO Residents Survey, 2012

concerns of domestic waste being left out on the wrong day and an increased need for street sweeping.

Calls to Council Connect regarding both street sweeping and domestic waste follow a similar trend which could quite realistically mean that the issues are related. However, it could also mean that residents of certain Wards are more inclined to complain than residents of other Wards or, these residents are more sensitive to certain problems than other residents may be. Areas with high densities of transient populations such as students for example, may also be less likely to complain.

Under the West of England Good Management Code of Practice which all licence holders (in the mandatory licensing scheme) are required to sign up to, landlords are required to “*make reasonable arrangements for the storage and disposal of refuse*”.

## CRIME, ANTI-SOCIAL BEHAVIOUR

For the year 2010/11 there were 5421 calls to Avon & Somerset Constabulary relating to specific incidents of anti-social behaviour (ASB), namely rowdy behaviour, street drinking, noise and nuisance neighbours. However, there is inconclusive evidence of any relationship between ASB and HMOs. The largest concentration of ASB is in the centre of Bath, and could be caused by people living in any area of the city<sup>15</sup>. There is also no correlation between HMOs and ASB recorded for the financial year 2011-12.

Theft of pedal cycles per 1000 households shows a significant correlation with HMOs. However, this is the only correlation between crime and crime types and HMOs.

## GARAGES CONVERTED INTO BEDROOMS

Concerns have been raised by some residents about the use of garages located at the end of back gardens being converted and used for living accommodation.

B&NES Housing Services are aware of at least two HMOs in the Widcombe Ward where externally located garages have been converted into extra bedrooms. The conversions do not need planning permission as they are not fully self-contained. The occupant of the garage bedroom have their own en-suite shower and toilet but have to access the full kitchen and living area in the main house by crossing the rear garden of the property and entering through the back door.

<sup>15</sup> Bath & North East Somerset Council, Article 4 Direction for HMOs, Feasibility Study, ARUP, 2012

Local residents have expressed their concerns about the conversions and it is anticipated that future conversions may increase as a way to maximise occupancy and income. It is also apparent that 2 storey HMOs can add an extra bedroom through this method and therefore not require mandatory licensing as they may do if they were to add a loft conversion.

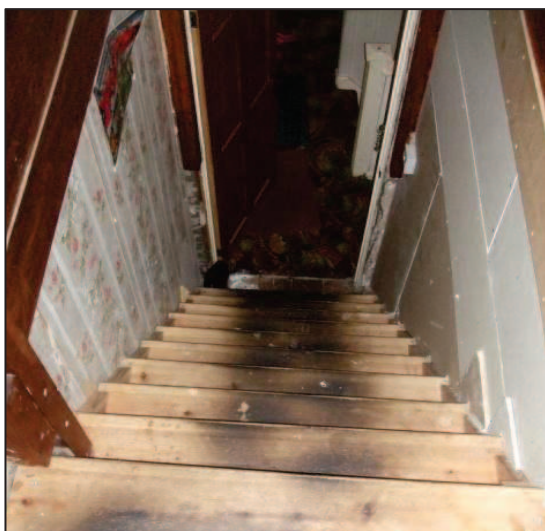
## 5 HAZARDS AND DEFECTS IDENTIFIED AND REMEDIED BY MANDATORY LICENSING AND ENFORCEMENT OF HMOS

The council operate a statutory Mandatory Licensing Scheme and a voluntary Accreditation Scheme to improve standards of health and safety for residents of HMOs. It also provides a reactive service that responds to complaints about HMOs and proactively inspects HMOs based on risk. HMOs not subject to licensing are likely to have similar incidence and types of hazards and defects to those that have been addressed by these services.

### HEALTH AND SAFETY HAZARDS IDENTIFIED AND REMEDIED BY MANDATORY LICENSING

Mandatory licensing has provided a platform for Housing Services to proactively target, inspect and improve a number of larger HMOs in the district, some of which the Council had no previous record of. Through the mandatory licensing scheme Housing Services believe HMOs have been improved in terms of health, safety, welfare and management.

- 89% of all new licences issued were served with schedules of work
- 159 significant health and safety hazards identified through mandatory licensing
- 25% of Mandatory licensable HMOs had a significant health and safety hazard
- 'Excess Cold', 'Fire' and 'Falling on Stairs' are the most common hazards found in mandatory licensed HMOs



**Dangerous stairs with no covering and no handrails increasing the risk of a fall**

Table 2 shows that since mandatory licensing of larger HMOs became a statutory provision in 2006, Housing Services have identified 159 significant health and safety hazards<sup>16</sup> in licensed HMOs (July 2006 until March 2012).

Table 2 Significant hazards identified in licensed properties		
Hazard	Number identified	%
Excess Cold	46	28.9
Fire	42	26.4
Falling on stairs	36	22.6
Falling between levels	9	5.7
Other	26	16.4
Total	159	100

The three most common hazards identified in licensed HMOs and shown in table 2, were Excess Cold, Fire and Falling on Stairs (accounting for 78% of all significant hazards). Mandatory licensing has brought these properties and hazards to the attention of the Council so that appropriate action could be taken to make the premises safer and healthier.

The 159 significant hazards identified were spread over 90 different licensed HMOs. This indicates that out of the 364 mandatory licences<sup>8</sup> currently in place, 25% have been identified with a significant hazard presenting a real risk to the health and safety of the occupants, estimated to be over 500 people potentially affected at any one time (based on an average of 6 occupants).

53% (84) of the significant health and safety hazards identified in mandatory licensed HMOs were from those HMOs located in the proposed additional licensing area<sup>\*</sup> (roughly 3 Wards out of a total of 37). The hazards were found in 54 mandatory licensed HMOs. This means that 60% of all licensed HMOs with significant health and safety hazards were located in the proposed additional licensing area<sup>\*</sup>. For comparison, out of the 364 mandatory licensed HMOs in place, 181 or 50% are located in the three Wards of Oldfield, Westmoreland and Widcombe<sup>8</sup> (the basis of the proposed additional licensing area<sup>\*</sup>).

As mentioned above and shown below in table 3, the district average for licensed HMOs with at least one significant health and safety hazard is 25%. Table 3 shows that within the three Wards of Oldfield, Westmoreland and Widcombe, 30% of licensed HMOs have hazards(s) compared to the remainder of B&NES Wards which have only 20%. This indicates that the three Wards at the centre of the proposed additional licensing area have a higher rate of hazards when compared to the rest of the district.

<sup>16</sup> Significant health and safety hazard defined by Housing Services as a band A-D hazard assessed using the Housing Health and Safety Rating System (HHSRS) under Part 1 of the Housing Act 2004. A-D hazards are those that are actionable under the Housing Services Enforcement Policy and present a significant risk to safety and health.

<sup>\*</sup> Proposed additional licensing area: Oldfield, Westmoreland, Widcombe and small sections of adjoining Wards including Bathwick, Lyncombe, Southdown and Twerton.



Table 3 Licensed HMOs with significant hazards			
	B&NES Total	Oldfield, Westmoreland, Widcombe	The rest of B&NES
Licensed HMOs	100% (364)	49.7% (181)	50.3% (183)
Licensed HMOs with hazard(s)	25% (90)	29.8% (54)	19.7% (36)

### MANAGEMENT DEFECTS IDENTIFIED AND REMEDIED BY MANDATORY LICENSING

Since the introduction of mandatory licensing in 2006 up until the end of May 2012, Housing Services have issued 487 new licences and a further 134 renewals (a total of 621 licences).

Over 89% of all new licences issued were served with schedule 3 attachments (see table 4). A schedule 3 is a list of works required in order to meet the licensing standard.

Table 4 Data for new licences from the start of licensing in 2006 until end of May 2012	Numbers	%
New licences issued (not including renewals)	487	100.0
New licenses issued with Schedule 3's attached	434	89.1

The licensing standards<sup>17</sup> have been applied in order to meet minimum management requirements for HMOs. The requirements added to the schedule of works ensure that adequate bathroom and kitchen facilities are provided for the number of occupants, that there is enough space for occupants in terms of room sizes; that fire precautions are of a minimum standard and where necessary sufficient heating is provided. Landlords can show good management by meeting minimum requirements.

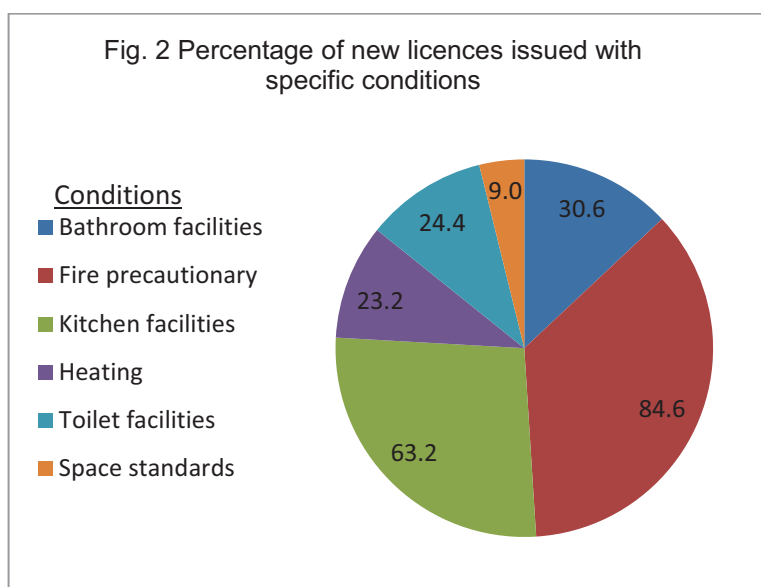
Each HMO which had a schedule of works attached had on average 3 separate conditions applied. The conditions applied were made up of the following areas of work as shown in table 5 and figure 2.

<sup>17</sup> [The West of England \(WoE\) local authorities' standards for licensed Houses in Multiple Occupation \(HMOs\) under Part 2 Housing Act 2004 \(revised Sep 2010\)](#)

Table 5 Contents of schedules 3s attached to mandatory licences				
Schedule 3 condition	No.	As a % of all conditions	% of new licences issued with the condition	Description of works included
Fire precautionary	412	36.0	84.6	Fire blanket to the kitchen, fire door to the kitchen, install and maintain or upgrade a fire alarm system, providing emergency lighting, changing bedroom and front door locks
Kitchen facilities	308	26.9	63.2	Safe and efficient layout, suitable dining area, sinks, mechanical ventilation, cookers, cupboard space, electric sockets, work tops, fridge, freezers, refuse facilities
Bathroom facilities	149	13.0	30.6	Mechanical ventilation, additional shower room, additional bathroom
Toilet facilities	119	10.4	24.4	Additional toilet, separate toilet, wash hand basin to toilet
Heating	113	9.9	23.2	Heating to the bathroom, bedrooms and/or living room
Space standards	44	3.8	9.0	Increase room sizes (kitchen, bedrooms, living space) or decrease occupancy
*Total	1145	100.0		

\* The total does not include the condition requiring wash hand basins in every bedroom which was an original licensing requirement. A change in legislation led this condition to be removed from the majority of licences.

Out of the 487 new licences issued, 412 (85%) were required to improve fire precautions in the property. Although licensing was a new concept in 2006, the need for fire precautions was nothing new to landlords and agents.



Separate enforcement action taken on mandatory licensed HMOs has also resulted in 246 informal or formal notices being served requiring works to improve the properties up to minimum standards.

Mandatory licensing has given Housing Services access to larger HMOs allowing substantial improvements to be made to management, welfare and safety. This is unlikely to have been achieved without the introduction of licensing or a similar mandatory scheme.

#### HAZARDS AND DEFECTS IDENTIFIED AND REMEDIED BY VOLUNTARY ACCREDITATION

By the end of the financial year 2011-12 there were around 1,500 accredited properties in the private rented sector in B&NES making up a figure of 4,761 bed spaces covered by the scheme.

The total number of accredited properties is increasing year on year. However, in 2011-12 the number of new properties joining the scheme (74) was 25% lower than in 2010-11 when there were 99. Reaccreditation was also down 18% during the same period from 941 to 770.

207 properties that have been included in the mandatory licensing scheme were part of the voluntary property accreditation scheme prior to their first new licence being issued. This indicates that those landlords had voluntarily chosen to engage with the Council and bring their properties up to and above minimum standards before having to be licensed. However, based on the current figure of 364 licensed properties<sup>8</sup> the mandatory licensing scheme has brought an additional 157 HMOs to the attention of Housing Services, landlords who otherwise had not

engaged with the Council. Since mandatory licensing commenced in 2006, an additional 46 licensed HMOs have voluntarily joined the Accreditation scheme.

Accreditation has been a notable success and has encouraged landlords to voluntarily improve their properties, exceed minimum standards and engage with the Council. However, the scheme has significant limitations.

Accreditation is voluntary and this is one of its most encouraging features, however this is also one of its drawbacks as the Council has no way of making landlords come forward to improve their properties. The Accreditation standard is also higher than minimum enforceable standards, and landlords who can rent their properties regardless may view the cost of voluntary accreditation as a disincentive. Property owners are also, on occasions, conscious that if they come forward to the attentions of the authority they may receive unwanted inspections and additional demands for work and subsequent expense.

Some positive aspects and limitations of the voluntary property Accreditation scheme are listed below in table 6.

Table 6 Positive aspects and limitations of Accreditation	
Positives	Limitations
<ul style="list-style-type: none"> <li>• Voluntary improving the private rented sector;</li> <li>• Building good working relationships with landlords, agents, property owners and partners;</li> <li>• Better engagement with landlords and agents;</li> <li>• Reduced enforcement activity;</li> <li>• Building of local information;</li> <li>• Covers non-HMOs and is district wide</li> </ul>	<ul style="list-style-type: none"> <li>• Not mandatory;</li> <li>• Only limited engagement;</li> <li>• Lack of incentive due to high demand for private sector accommodation;</li> <li>• Requires Council resources;</li> <li>• Confusion with mandatory licensing;</li> <li>• Conflicting standards</li> <li>• Poor landlords choose not to engage</li> </ul>

Out of the properties currently in the Accreditation scheme (1,500), 471 (31%) have been required to carry out works to bring them up to the statutory minimum standard or the higher Accreditation standard. These are the properties that are owned and managed by the better landlords who want to engage with the Council, and have still required improvement.

Out of the 471 properties that have been improved through Accreditation, 305 were contained within the 3 Wards of Oldfield, Westmoreland and Widcombe.

In total there are 636 accredited properties in these 3 Wards many of which will be HMOs and nearly half of these have been improved through Accreditation. However, as figures suggest in section 3, the number of HMOs in these three Wards is likely to be much higher. These are properties that may remain under the radar and may require intervention. Landlords who have

not already voluntarily engaged with the Council are unlikely to engage without an incentive or regulatory push.

## HAZARDS AND DEFECTS REMEDIED BY REACTIVE SERVICE AND ENFORCEMENT

Housing Services often respond to complaints about property conditions with reactive enforcement actions.

- 38% of all HMO complaints to Housing Services originate from Oldfield, Widcombe and Westmoreland.
- HMOs account for 22% of all housing condition complaints.

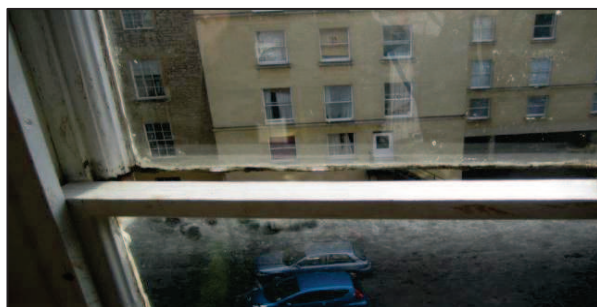
B&NES Housing Services directly receive on average 350 property condition complaints every year. These are mainly associated with single households although a sizeable proportion are related to HMOs. Once a request for a service is received, the matter investigated and where appropriate a property inspection is carried out and work is required to make the home safer and healthier.

Table 7 shows the number of property condition complaints received related to HMOs and more specifically the HMOs located in the three Wards of Oldfield, Westmoreland and Widcombe.

Table 7 Housing Condition complaints related to HMOs				
Year	Complaints relating to HMOs		Complaints relating to HMOs in Oldfield, Westmoreland and Widcombe	
	Number	As % of total complaints	Number	As % of all HMO complaints
08/09	70	23%	25	36%
09/10	70	19%	28	40%
10/11	84	21%	27	32%
11/12	74	23%	31	42%
Ave.	75	22%	28	38%

HMOs account for 46% of dwellings in the district<sup>6</sup> and an average of 22% of all housing condition complaints received. Although Housing Services are less likely to receive a

complaint about a HMO than a single household, the experience of Housing Services is that HMOs generally take up considerably more resources per property than other privately rented dwellings.



Broken sash window with a large gap allowing cold draughts into the home potentially leading to discomfort and respiratory and cardiovascular ill-health

From April 2008 – March 2012 Housing Services issued 265 notices and 47% were in relation to HMOs.

Of the complaints received by Housing Services in relation to HMOs, an average of 38% were in relation to HMOs located within the three Wards of Oldfield, Westmoreland and Widcombe. This may be as a result of the large number of HMOs (32%) concentrated in these three Wards but nonetheless, also indicates that the public have concerns relating to HMOs in these three Wards important enough for them to request an intervention from Housing Services. Targeting an area with a high concentration of HMOs will likely reduce complaints by proactively improving conditions and management.

Housing Services will only prosecute landlords as a last resort where all other means have been exhausted. In the 2 year period (December 2010 - December 2012) Housing Services have taken 4 successful prosecutions, all of which were in relation to HMOs located in the proposed additional licensing area\*. Further prosecutions are expected early 2013.

Damp leading to mould and potentially mental and social health effects



Housing Services experience is that damp and mould is one of the most common complaints received, especially during the colder months as it can be linked to excess cold. Causes of damp and mould can relate to occupant behaviour as well as property related issues such as insulation, heating and ventilation provision. From 2010-2012 (financial years) Housing



Services received 120 damp and mould complaints, 33 (28%) of these were in relation to HMOs.

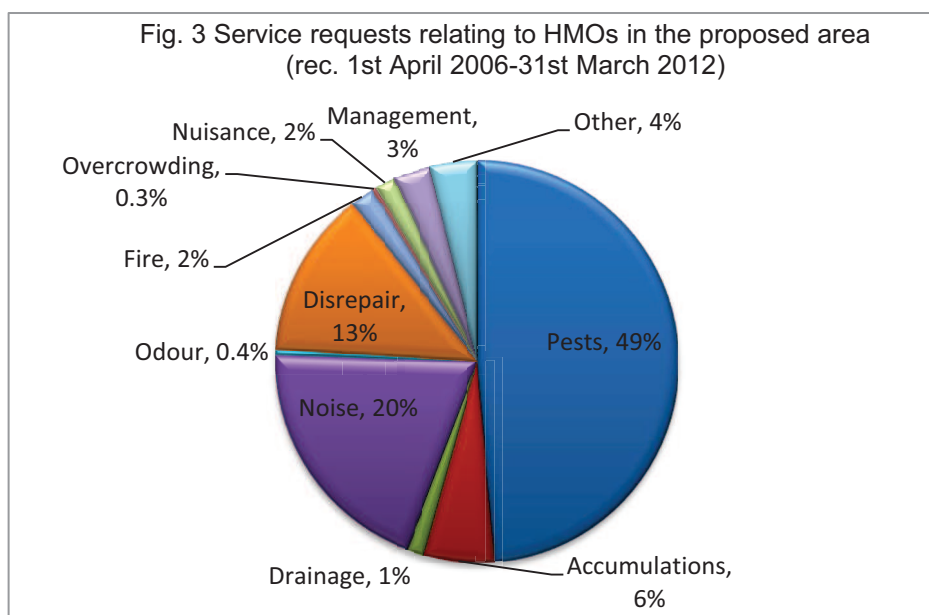
## REGULATORY SERVICE REQUESTS

From the 1<sup>st</sup> April 2006 until the 31<sup>st</sup> March 2012, the Council's regulatory services including Neighbourhood and Waste Services received 2,570 service requests related directly to the domestic use of HMOs<sup>18</sup>. This averages out to be 428 service requests per year requiring investigation and allocation of resources. The nature of these requests for a service can be grouped into the areas shown in table 8.

Table 8 Service Requests received by B&NES regulatory services in relation to HMOs		
Pests	Noise	Disrepair
Accumulations	Management	Nuisance
Fire	Drainage	Odour
Overcrowding	Other	

Of these requests for a service, 35% (over 900) were directly related to HMOs in the proposed additional licensing area\*.

Figure 3 below shows the percentages of total service requests received in relation to HMOs in the proposed additional licensing area.



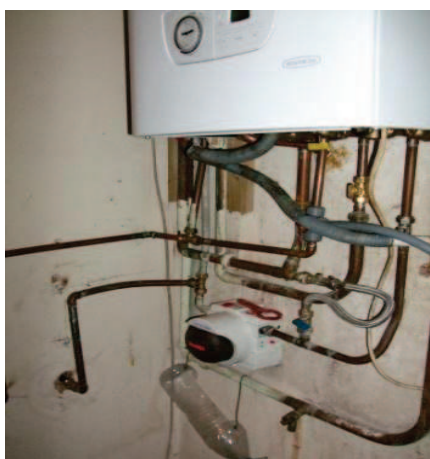
<sup>18</sup> Bath and North East Somerset UNiform database

The three biggest areas of concern directly related to the domestic use of HMOs that caused people to request a service are pests, noise and disrepair. Combined they account for over 80% of the service requests received relating to HMOs in the proposed area.

Figure 3 indicates that nearly half of the service requests received by the Council in relation to HMOs in the proposed area were related to pests (49%). This figure is made up of all range of pests including rats, mice, flies, cockroaches, bedbugs and fleas etc. usually as a result of complaints directly from concerned occupants. The cause of these concerns is often varied although can to some extent, be associated with disrepair and high turnover of occupants.

Complaints received about noise are the second biggest source of service requests received in the proposed area. The majority (18%) relate directly to domestic noise. The remainder are made up of intruder alarms and miscellaneous noise.

13% of service requests were related directly to disrepair such as health and safety concerns, asbestos, gas appliances and damp etc. These usually come direct from occupants concerned about their living conditions.



Unsafe boiler potentially leading to carbon monoxide poisoning and explosion

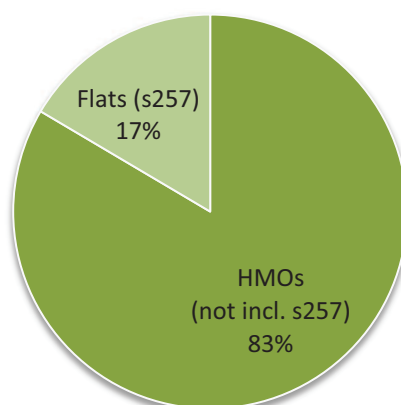
Accumulations including litter and refuse are related to 6% of service requests and often come from concerned neighbours.

Over 40% of all service requests relating to accumulations and disrepair from HMOs came from the proposed additional licensing area.

The remainder are made up of a variety of issues including nuisance, management issues, overcrowding, fire, drainage, odour and requests for advice. Combined they account for around 12% of service requests.

Of all the service requests received by the Council relating to 'management', nearly half came from HMOs in the proposed area\*.

Fig. 4 Service requests relating to HMOs in the proposed area



Of these service requests received in the proposed area\*, the majority (over 80%) relate to HMOs with shared facilities. See figure 4.

## 6 HMOS IN OLDFIELD, WESTMORELAND AND WIDCOMBE

Oldfield, Westmoreland and Widcombe are three adjoining Wards located within the City of Bath. The Ward boundaries are shown below in figure 5. Combined they account for nearly 11% (19,343 people) of the population of B&NES (179,700 people)<sup>3</sup> and are home to around 50% of the HMOs with shared facilities known to Housing Services.

An Additional Licensing Scheme that was targeted in these three Wards would mean that over half of all the HMOs with shared facilities in B&NES and known to Housing Services would be more effectively controlled and well managed.

Oldfield, Westmoreland and Widcombe have an average of 302 HMOs with shared facilities per Ward compared to a Bath City average of 110 per Ward and a B&NES average of 48 per Ward (see table 1)<sup>8</sup>. An average of 13% of households in Oldfield, Westmoreland and Widcombe are HMOs with shared facilities compared to a Bath City average of 5% and a B&NES average of 2%. This is not altogether surprising and gives some indication of the intensification of HMOs with shared facilities in these Wards.

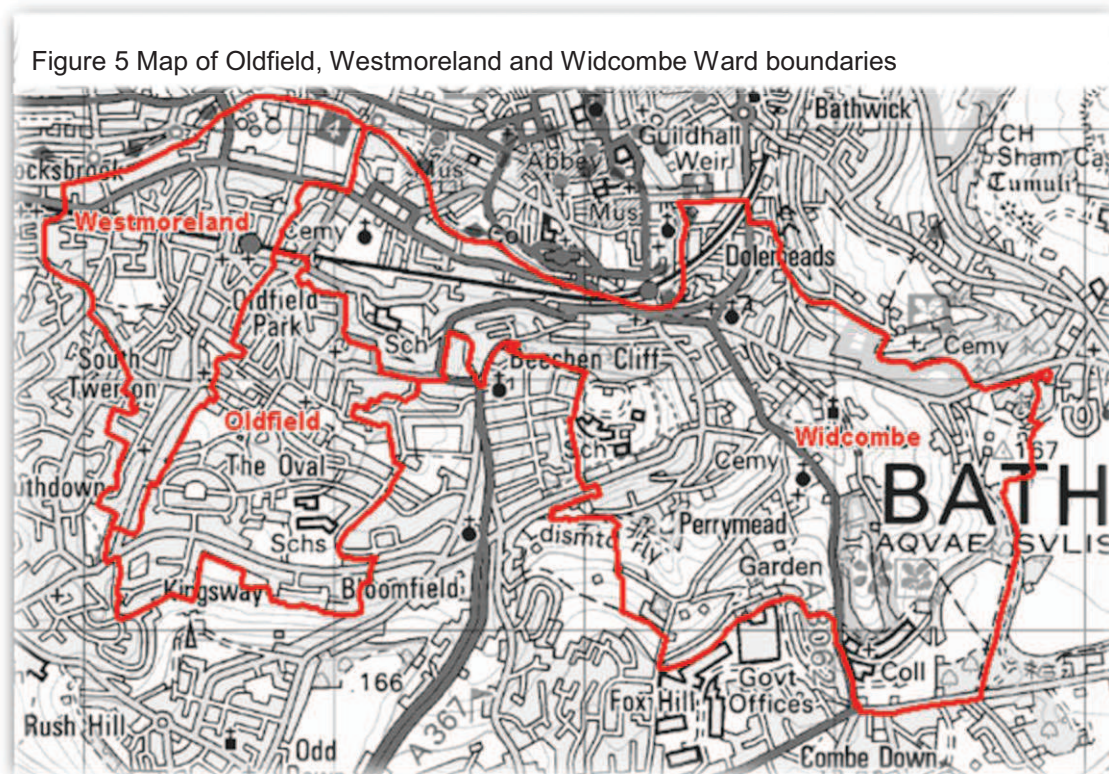


Table 9 shows that 31% of all HMOs identified with significant health and safety hazards were located in Oldfield, Westmoreland and Widcombe Wards.

Table 9 Significant hazards identified by Housing Services					
	Total	HMOs		HMOs in Oldfield, Westmoreland and Widcombe	
		Number	%	Number	As a % of HMOs
Properties with hazards	1175	446	38%	138	31%
Actual Hazards	1474	573	39%	182	32%

The B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup> found that HMOs in Oldfield Ward have significantly more of the most serious health and safety hazards than average over all sampled HMOs in the district. The survey suggested that in Oldfield, 34% of HMOs have a serious health and safety hazard. HMOs in Widcombe and Westmoreland showed nothing significant.

Figure 6 shows that around half of all HMOs with shared facilities in B&NES and known to Housing Services are located in Oldfield, Westmoreland and Widcombe Wards.

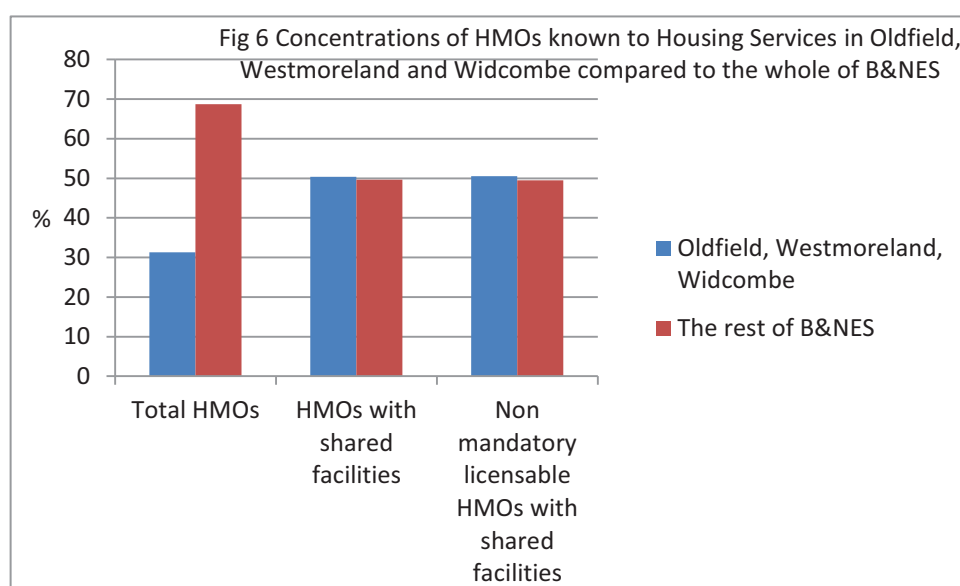
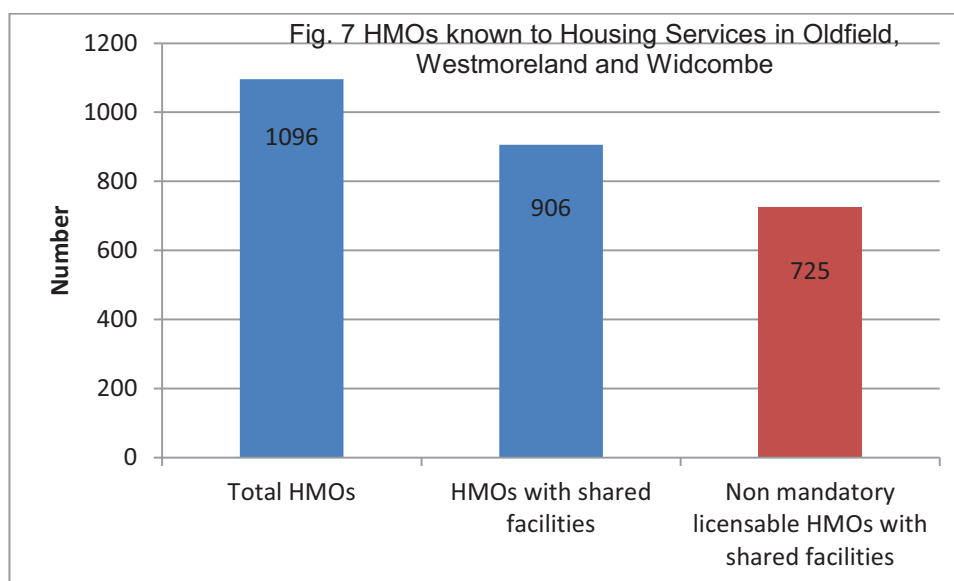


Figure 7 shows that two thirds of HMOs in these three Wards (shown in red) have shared facilities and are not controlled by the mandatory licensing scheme.



When comparing the information held by Housing Services to the B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup>, there is a large discrepancy indicating the true figure of HMOs with shared facilities in Oldfield, Westmoreland and Widcombe and not covered by mandatory licensing could be closer to 1,400.

## HMO TENANT CONSULTATION IN OLDFIELD, WESTMORELAND AND WIDCOMBE

Housing Services sent out 1158 survey forms to all HMOs on their database in Oldfield, Widcombe and Westmoreland Wards (B&NES HMO Residents survey<sup>14</sup>). The majority of HMOs that Housing Services surveyed are known as a result of interventions such as mandatory HMO licensing, accreditation, complaint visits and proactive inspections as well as historical knowledge.

The survey was sent out on the 26<sup>th</sup> May 2012 and responses were accepted until the 22<sup>nd</sup> June 2012. 78 responses to the consultation were registered. Of the survey forms returned, 73% of respondents do not have their housing conditions protected under the mandatory licensing scheme.

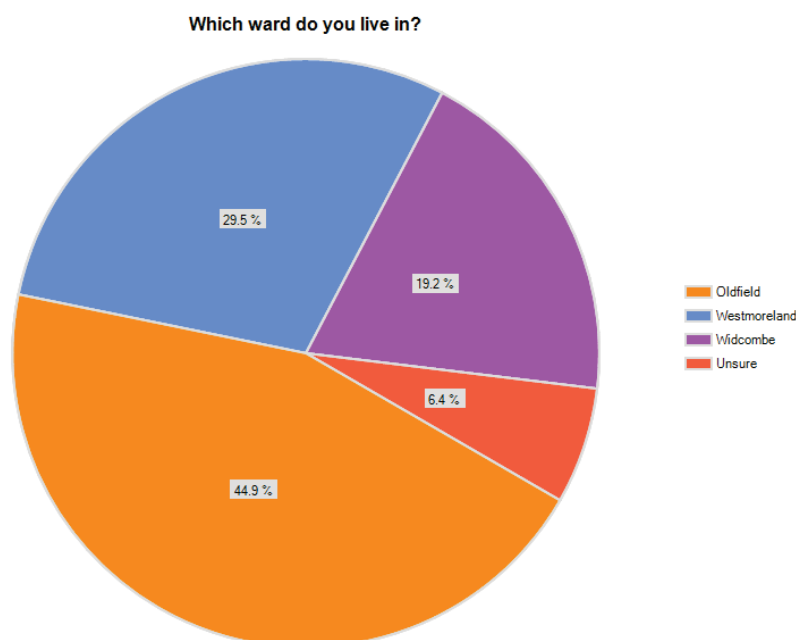
A summary of responses is shown below.

### Ward Area

Figure 8 shows that responses were received from each of the Wards in the proposed additional licensing target area.

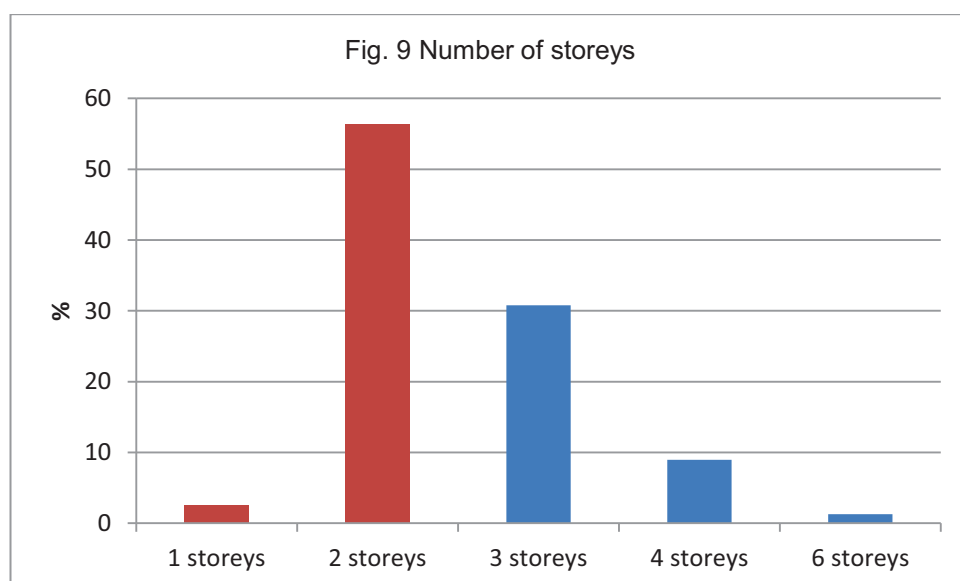


Fig 8 Which Ward do you live in



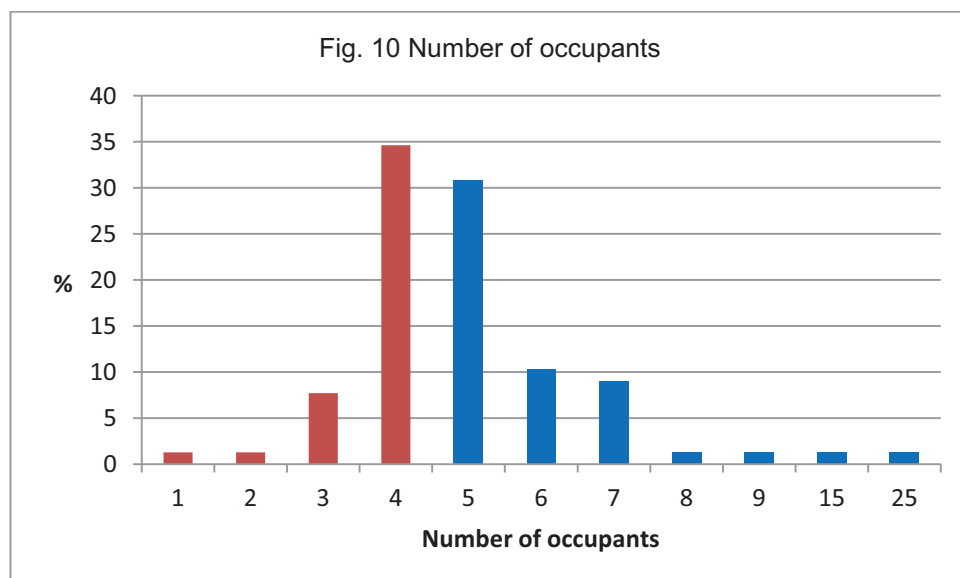
### HMO Number of Storeys

Figure 9 shows that 59% of HMOs (in red) would be covered by the proposed Additional Licensing Scheme. These HMOs are currently not covered by the Mandatory Licensing of HMOs as they have fewer than 3 storeys. An additional 14% of the HMOs in blue would also come under additional licensing as they have less than 5 occupants.



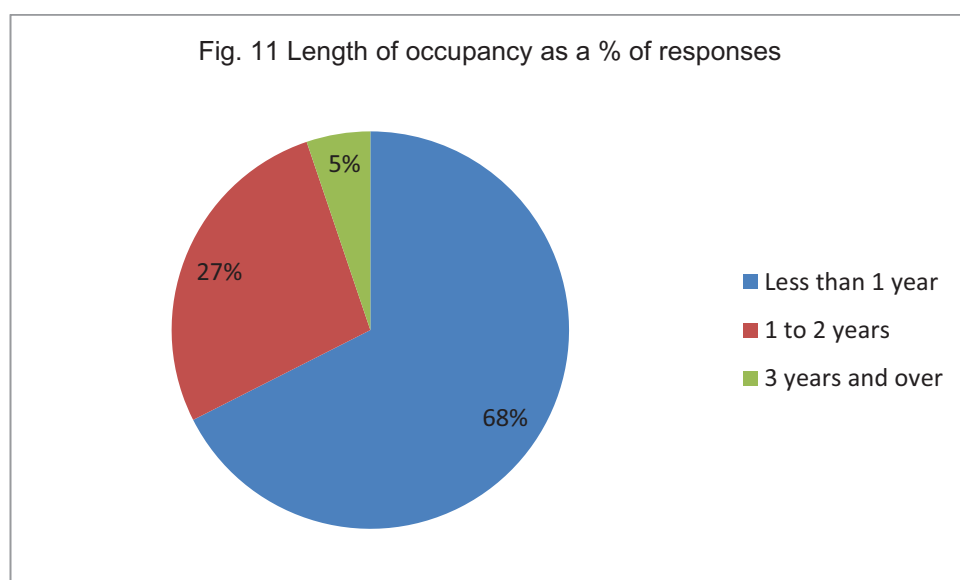
## Number of Occupants

Figure 10 shows that the majority of HMOs (66%) have 4 or 5 occupants and nearly all (93%) have between 3 and 7. Two responses indicated there were only 1 and 2 occupants in the premises and these would not be classed as HMOs under the Housing Act 2004 unless living in a flat within a larger HMO. More than 40% of respondents live in HMOs with 3 or 4 occupants which are not covered by Mandatory Licensing. A further 28% have 5 or more occupants but less than 3 storeys so are also not covered by mandatory licensing. However, they would likely come under an additional licensing scheme if introduced.



## Length of Occupancy

Figure 11 shows that most of the respondents have lived in their home for less than one year and nearly all for less than 3 years. This indicates that most people live in HMOs as short term accommodation.



## Sharing Bedrooms and Bathrooms

The majority of returned survey forms indicate that there was one person per room. However, a small number (6%) show that at least one bedroom is occupied by more than one person. This does not indicate a problem if a bedroom is occupied by a cohabiting couple for example. For mandatory licensing the standard states that there should not be any obligate sharing of bedrooms.

The results indicate that the majority of properties had suitable toilet and bathroom facilities. However, a small number (5% and 6%) appeared to have inadequate numbers of toilets and baths/showers respectively for the number of occupants. This could be addressed through licensing.

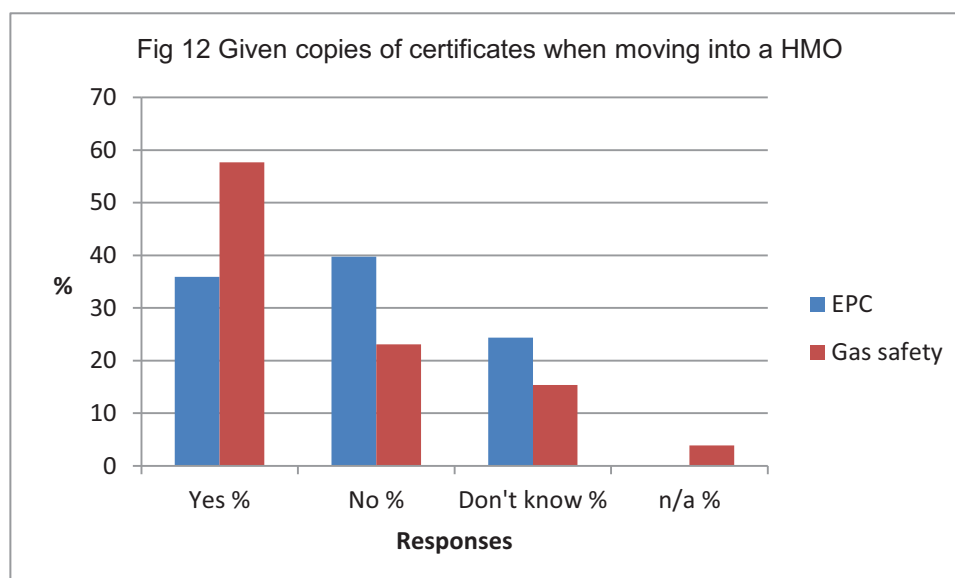
## Statutory Provision of Energy and Safety Certificates

Figure 12 shows that 40% of respondents were not given a copy of the Energy Performance Certificate (EPC) when they moved in and nearly a quarter weren't given a copy of the gas safety certificate when they moved in. Responses indicate that many residents are living in HMOs where gas safety legislation has not been fully and correctly followed.

### Note:

It is a requirement under The Gas Safety (Installation and Use) Regulations 1998 that a copy of the gas safety certificate is provided to tenants.

From 1st October 2008, landlords had to provide a free copy of the energy performance certificate to new and prospective tenants. Existing tenants at 1<sup>st</sup> October 2008 are not entitled to one unless they renew their lease. Most respondents to this survey (see figure 11) have only lived in the property for a maximum of 2 years so should have received a copy of the certificate.

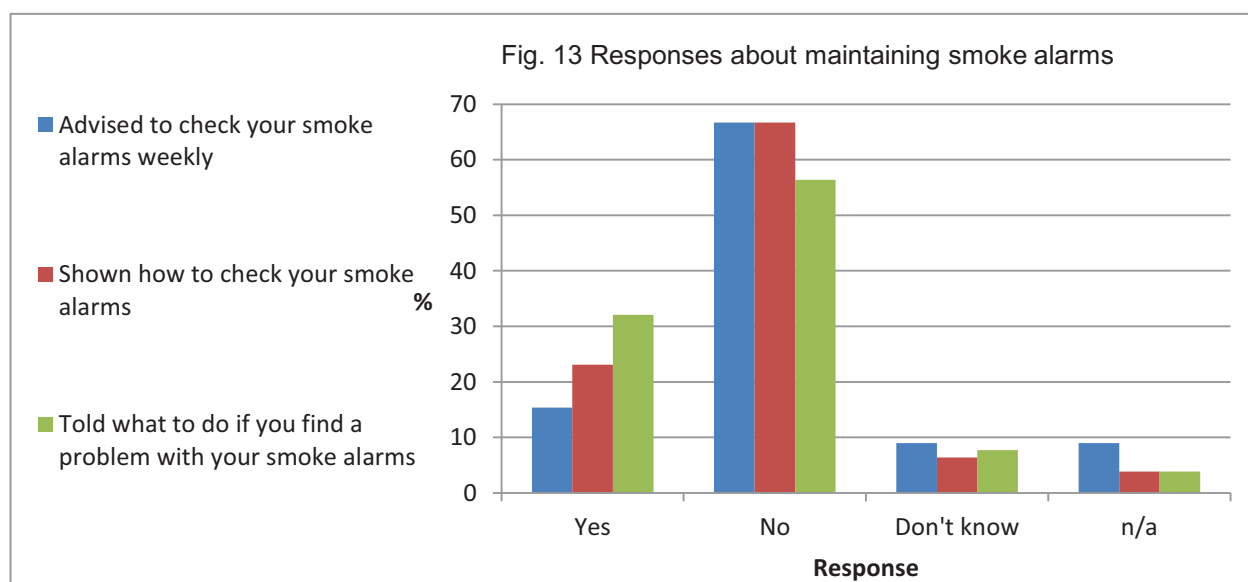


## Fire Safety: Smoke Alarms

Government advice is that you are more than twice as likely to die in a fire at home if you haven't got a working smoke alarm<sup>19</sup>. Reassuringly 95% of respondents reported that they had working smoke alarm(s) in their home which was very positive and demonstrates the hard work and promotion by the fire authority and the Council as well as good awareness from tenants and landlords. This figure is comparable to the B&NES Private Sector Housing Stock Condition Survey<sup>6</sup> which estimates nearly 97% of HMOs in B&NES have some form of smoke detection.

Of those that answered 'yes' to having working smoke alarm(s), over a quarter (27%) had just battery operated alarms. This result is also comparable to the B&NES Private Sector Housing Stock Condition Survey<sup>6</sup> which estimates 24% of HMOs only have battery detectors. Battery operated smoke alarms have a 45% failure rate<sup>13</sup> and are not an appropriate fire safety measure in HMOs. In addition, 37% of respondents did not know whether their alarms were just battery or mains wired indicating a lack of knowledge and understanding by tenants.

Figure 13 shows that the majority of respondents (two thirds) were not advised by their landlords to check their smoke alarms weekly, something which is standard government advice<sup>19</sup>. Two thirds of respondents were also not shown how to check their smoke alarms and over half responded that they were not told what to do if there is a problem with the alarms.



<sup>19</sup> Directgov,  
[http://www.direct.gov.uk/en/homeandcommunity/inyourhome/firesafety/dg\\_071751](http://www.direct.gov.uk/en/homeandcommunity/inyourhome/firesafety/dg_071751) , 2012

## Fire Safety: Provision of Fire Blankets and Exit Locks

Nearly one quarter of respondents (23%) reported not having a fire blanket in their kitchen. This is a standard recommendation by the Council and Avon Fire and Rescue Service. This is in line with national fire safety guidance<sup>10</sup> and is a requirement of mandatory licensing. Having a fire blanket in the kitchen will allow occupants to quickly and safely contain a small fire to prevent it spreading out of control while exiting the property and waiting for the fire service.

The majority of respondents (82%) reported that they did not need a key to unlock their front door from the inside. The remaining 18% required a key to unlock their front door from the inside, potentially delaying their escape. Being able to unlock your front door from the inside without the use of a key is another standard fire precaution which enables occupants to escape premises quickly and safely in the event of a fire or other emergency. This is a requirement of mandatory licensing.

## Tenant Information: Waste/Recycling and How to Complain

The survey asked respondents how well informed they felt about recycling, waste collections, Council services and complaining about the condition of their property (see table 10). It should be noted that the survey shows that nearly two thirds of landlords visit their properties every 3 months with 80% visiting their properties at least every 6 months.

More than 80% of respondents felt very or fairly well informed about recycling and household waste collections. When considered against one of the common complaints from local residents concerning waste being left out on the wrong day and waste being left in gardens, this could indicate that respondents know about waste and recycling collections but may have inadequate provision of facilities to manage them, or do not act on their knowledge.

Conversely the responses also indicated that over a quarter (26%) were not informed about refuse and recycling and a further 5% did not know whether they had or had not been informed. This suggests that the occupants of nearly one third of the HMOs surveyed, were not given a clear message on recycling and refuse collections when they moved in to their home.

Only a third of respondents felt very or fairly well informed about Council Services compared to 59% feeling not very well informed or not well informed at all.

56% felt not very well informed or not well informed at all about complaining about the condition of their property.

Table 10 How well informed do you feel about each of the following?					
	Very well informed	Fairly well informed	Not very well informed	Not well informed at all	Don't know
How and when to recycle	53.8%	29.5%	7.7%	7.7%	1.3%
Household waste collection	53.2%	27.3%	11.7%	5.2%	2.6%
Council services	11.5%	23.1%	34.6%	24.4%	6.4%
How to complain about the condition of your property	26.0%	13.0%	24.7%	31.2%	5.2%

### **Tenant Information: Reporting Repairs/Contacting Landlord**

Over three quarters (77%) of respondents indicated that when they moved in, they were informed what to do if their home needed a repair. This is positive for tenants and shows that landlords are thinking ahead and planning for repair issues as and when they are required.

The survey also asked respondents whether they were provided with 24 hour contact details for their landlord. Nearly three quarters of respondents (72%) indicated that they were provided with the details for their landlord which again is very positive. However, nearly one quarter (23%) said they were not given 24 hour contact details for their landlord and 5% did not know either way. This suggests that in an emergency where the health and safety of tenants may be affected such as a major electrical fault or blocked WC, some occupants would not be able to quickly raise their concerns with their landlord to organise a repair.

Under the West of England Good Management Code of Practice which all licence holders (in the mandatory licensing scheme) are required to sign up to, landlords are required to carry out repair and maintenance in time periods appropriate to the severity of the problem and carry out emergency repairs within 24 hours. Signing up to the code is likely to be a condition for all discretionary licensing.

### **Tenant Information: Being a good neighbour**

Respondents were asked whether they were advised by their landlords to be courteous to their neighbours. Less than half (49%) said that they were given this advice when they moved in, 42% said they were not and the remaining 9% said they did not know. Also, under the West of England Good Management Code of Practice which all licence holders (in the mandatory licensing scheme) are required to sign up to, landlords are required to “...take reasonable steps to minimise any nuisance, alarm, harassment or distress that may be caused to neighbours...”.

### **Garden Maintenance**

The survey asked respondents whether their landlord maintains their garden or yard. Not all HMOs have a garden or outside space and indeed the question was only applicable to 90% (70) of the respondents. 57% of these respondents, who the question was applicable to, indicated their landlord does not maintain their garden or yard (this represents 40 respondents).

The survey also asked respondents if they were provided with the equipment to maintain their garden. In the 57% of cases where the landlord does not maintain the garden, 65% (26 respondents) indicated that they were not provided with the equipment to maintain their garden themselves. This suggests that 37% of HMOs with a garden (33% overall) are likely to have poorly maintained outside space because the landlord does not maintain it and the occupants have not been provided with the equipment to do it.

### **Tenant Satisfaction**

Table 11 shows that more than two thirds of the respondents were very or fairly satisfied with their home. 18% were fairly or very dissatisfied. Just under two thirds were very or fairly



satisfied with the management of their home. However, nearly a quarter of respondents were either fairly or very dissatisfied with the management of their home. Nearly three quarters of respondents were either fairly or very satisfied with facilities in their home. On information provided by landlords, 56% were either fairly or very satisfied compared to 22% who were fairly or very dissatisfied and 19% who were neither satisfied nor dissatisfied. When asked about their home providing a safe and healthy place to live, 69% of respondents were either fairly or very satisfied compared to 21% who were fairly or very dissatisfied.

Table 11 Satisfaction responses					
Answer options	Overall, how satisfied are you with your home?	Overall, how satisfied are you with the management of your home?	How satisfied or dissatisfied are you with each of the following?		
			Facilities in your home	The information provided by your landlord/agent?	That your home provides a safe and healthy place to live?
Very satisfied	26.9%	33.3%	22.1%	25.6%	26.9%
Fairly satisfied	42.3%	28.2%	50.6%	30.8%	42.3%
Neither satisfied or dissatisfied	12.8%	14.1%	10.4%	19.2%	9.0%
Fairly dissatisfied	12.8%	14.1%	7.8%	12.8%	7.7%
Very dissatisfied	5.1%	10.3%	7.8%	9.0%	12.8%
Don't know	0.0%	0.0%	1.3%	2.6%	1.3%

## HMO TENANT COMMENTS IN OLDFIELD, WESTMORELAND AND WIDCOMBE

The final part of the survey asked respondents if they had any other comments concerning their experience of living in a multiple occupancy home.

Table 12 shows the mixed views and opinions of respondents and demonstrates the type of living conditions in some HMOs.

Table 12 Do you have any other comments concerning your experience of living in a multiple occupancy home?

*"There have been issues with the house for instance, the front door lock, leaking roof and pressure of the boiler and the job has never been fixed properly..."*

*"Told not to phone 24 hour contact number after 5pm or at weekends"*

*"My landlord is very kind but maintains the house to bare minimum, damp under floor, in bedrooms, in bathrooms, rats*

*etc. all dealt with minimally."*

*"the kitchen is very damp and has a serious mould problem, which has repeatedly been mentioned to the landlord, but he has failed to do anything to improve it."*

*"Great landlady"*

*"the inefficiency of the gas boiler made our winter bill ridiculous..."*

*"...it would be useful for a service to be provided whereas first time shared household tenants could receive advice and guidance for future reference and knowledge."*

*"The landlord provides everything and we were well informed about all the different procedures. Have always had a good experience and the house is in good condition."*

*"HMO occupants are not treated with the same respect as family occupancy tenants and this needs addressing across the board."*

*"We have not been provided with adequate information regarding rubbish collection, recycling, council services."*

*"Our landlord is brilliant"*

*"landlord very efficient when problems arise"*

*"When homes are converted in HMO's one room is often not to the same standard as the other rooms."*

*"My private landlord has been excellent - flexible, communicative and helpful"*

12 Most common words and phrases

Charge Cheap Condition Jobs **Living Mould**  
Private Problems Property Room Rubbish Rules

COMMENTS FROM RESIDENTS OF OLDFIELD, WESTMORELAND AND WIDCOMBE

Below is a selection of quotes from some local residents as well as photographs of common areas of concern. The photographs are not specifically related to the comments.



Front garden of an HMO in Oldfield Ward (June 2012)

*"Almost every street in OFP [Oldfield Park] has some waste in the gardens of the HMOs at the moment..."*

Cllr Will Sandry, Oldfield Ward (4<sup>th</sup> June 2012)

*"The HMOs look dirty and run down, windows are filthy, paint peeling, walls and fencing falling down or broken and you sense the despair of the remaining few". "Another big issue is the state of the gardens and the fact that a lot of them do not get maintained so look dreadful which in turn makes our area look dreadful and uncared for".*

Cllr. June Player (June 2012)



Garden of a HMO in Westmoreland (June 2012)

A Westmoreland resident spoke of her neighbourhood *"The look of the area of Westmoreland has been a downward spiral since the HMOs have been allowed to take over. I no longer enjoy coming into the area due to the neglected and slum like appearance of it"* (22<sup>nd</sup> June 2012)

Regarding rubbish in the front garden of one HMO in Beckhampton Road, an Oldfield resident complained: *"This is a health hazard,*

*attract rats and seagulls [and] is an unsightly mess."*

(3<sup>rd</sup> June 2012)

*"Landlords must take more responsibility for the upkeep of gardens, windows, external maintenance..." "Landlords must ensure that local rules on storage of dustbins are enforced and that recycling rules are followed." They went on to say: "A comprehensive list, with names and addresses of all the landlords must be available to the council."*

Two residents of Widcombe explaining their feelings on HMOs (7<sup>th</sup> May 2012)

When discussing HMOs, a resident of Westmoreland said *"...we are all fed up, lack of parking, anti-social behaviour, rubbish, properties in need of repair"* (20<sup>th</sup> June 2012)



Overgrown hedge in the front garden of an HMO in Oldfield Ward (June 2012)

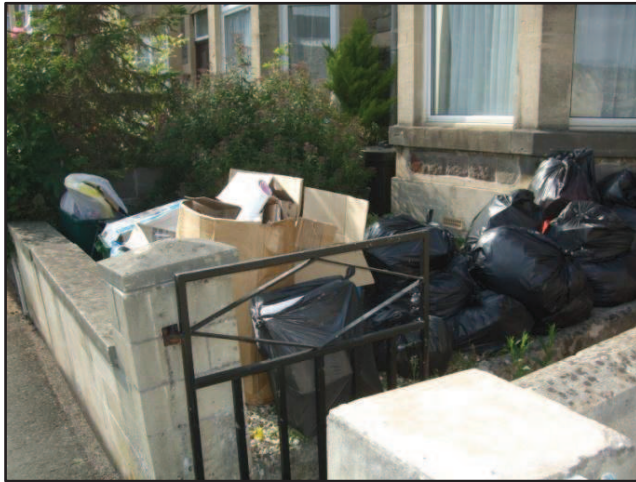


Regarding the HMOs in this Westmoreland residents street, he said *"...most have unkempt gardens /overgrown hedges...most look unkempt, poor appearance needing painting...one has food waste/boxes by the front door, not getting put in the nearby rubbish bin."* (2<sup>nd</sup> July 2012)

Rubbish in the front garden of a HMO in Oldfield.



Courtesy of Bath News and Media Group (June 2012).

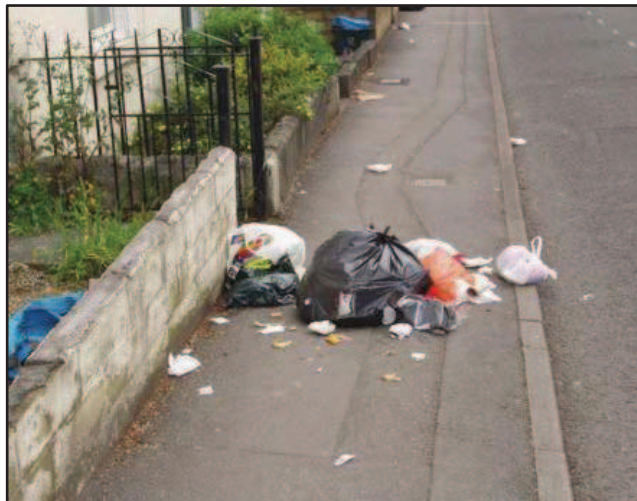


Rubbish dumped in the front garden of an HMO in Westmoreland (May 2012)

Some long term residents of Westmoreland explain their experiences of living in a road with a high concentration of HMOs and the problems they face on a daily basis.

Concerning rubbish they explained; *"Not only excessive amounts (most HMOs put out between 5 and 15 bags [of rubbish] a week) but it piles up in front gardens and can stay there for a length of time as they [the occupants] often forget to put the bags out on collection day"*.

On noise; *"This is one of the biggest problems."* They went on to explain, *"This year we have spent around 8 months trying to deal with noise issues from one property"*.



Rubbish on the street in Westmoreland (June 2012)

On visual appearance *"It is easy to identify these properties [HMOs] because of the rundown appearance, ranging from broken guttering/downpipes, peeling paintwork, dirty windows and curtains, poor paving and general neglect. The lack of care by landlords and tenants means we are all dragged down and the area is beginning to look like slums."*

On the appearance of gardens *"As with the general appearance of the area, both front and back gardens are a battle ground. Grass is only cut in the summer holidays, weeds spread across on the wind and through the ground into residents' gardens so those of us who actually take a pride in our homes have additional work and cost in order to deal with it."*



Garden of a HMO in Westmoreland (June 2012)

Regarding the issues around absentee landlords *“Probably one of the biggest problems in our experience...”* *“How are they going to deal with issues? It’s a case of out of sight out of mind. However, there is a general unwillingness for landlords and letting agencies in general to deal with issues. Residents are continually made to feel as though they are in the wrong.”*

And on numbers of tenants *“Often there are more people living/staying in a house than it is let for. This causes additional noise problems but also increases the danger of fire as some properties are deliberately let to smaller numbers of people to avoid some of the more onerous fire regulations. This is something which is ignored by both landlords and letting agencies.”*

Most common words and phrases from local residents comments

## Front Garden

HMOs Issues Landlords

Residents Next

Door Street

Appearance



Front garden of a HMO in Westmoreland (July 12)



## RESIDENT CONSULTATION (ON ARTICLE 4 DIRECTION)

In 2012 the council held a 7 week open public consultation to gather opinions on limiting the number of HMOs in the city of Bath area (Article 4 Direction for Houses in Multiple Occupation). Many of the responses state the concerns of local residents that could be mitigated by greater legislative control of HMOs, for example:

- property dilapidations;
- inadequate rubbish and recycling provisions;
- unkempt gardens;
- late night noise nuisance;
- increasing problems because of increasing concentration of HMOs;
- over-occupation because of loft conversions, extensions and use of garages as living space;
- failure of other voluntary approaches to resolve concerns;
- lack of landlord responsibility;
- need for greater control and professional management of HMOs.

358 responses to the consultation were registered from residents and landlords. Most of the responses were from residents of Oldfield Park and Westmoreland with some Widcombe Ward residents also supporting the scheme (the target area for the proposed Additional Licensing Scheme) because these are the areas with greatest concentrations of HMOs. The responses show that these residents have identified a need for Additional Licensing of HMOs.

A full summary of responses is at appendix 1 and a full schedule of all of the comments made is available as a background paper to this report.

## HMO CASE STUDIES IN OLDFIELD, WESTMORELAND AND WIDCOMBE

**HMO in Widcombe**

This property has been used as a HMO for many years and has been subject to many schedules of work and notices issued by the Council. The landlord has also been prosecuted by B&NES for housing offences. The property currently only has four occupants meaning that it does not come under the mandatory licensing scheme.



Ground Floor hallway



Bedroom window

Main concerns

Fire safety, electrical hazards, damp, falls on stairs, untidy gardens, inadequate heating, poor windows, poor management, police involvement.



Rear garden

How would licensing help

The landlord is not fit and proper to manage a HMO so would be unable to be involved in the management or hold the licence. A suitable fit and proper person would have to take over the management of the property or the council could take the property over themselves. Conditions could be placed on the property to improve standards and the occupancy could be managed. The Council would be aware of the manager and ensure minimum standards are achieved.

### HMO in Oldfield

This property is being used as a HMO to house mainly migrant workers. The landlord has refused to engage with the Council and improve conditions. As a result the landlord has had notices served on him and has been prosecuted by the Council. The property currently has three to four occupants meaning that it does not come under the mandatory licensing scheme.



Blocked front drain

#### Main concerns

Gas safety, fire safety, dangerous means of escape, electrical hazards, poor management, overcrowding, blocked drains, inadequate facilities



Damaged boiler with front panel missing

#### How would licensing help

The landlord has shown a long history of non-compliance, not just with this HMO but also with several others he owns. The standards are generally poor and it is difficult to find out exactly who lives in the house as the occupants are transient by nature. By licensing this property we can be more confident of the number of occupants, limit occupation to an appropriate level and ensure conditions are met and standards are improved. We can also specify suitable amenities and facilities and ensure they are safe. Where necessary we can take stronger enforcement action and take the management of the property away from the owner

## HMO in Westmoreland

It is difficult to establish how long this property has been used as a HMO. The owner has refused to accept that the property is a HMO despite multiple unrelated individuals found at the property and registering themselves at the address. The property is only two floors so is not included in the mandatory licensing scheme. One of the owners has been prosecuted in the past and continues to ignore requirements for work and formal notices.



Hole in kitchen ceiling stuffed with plastic bag



Front panel missing off oven

### Main concerns

Fire safety, multiple electrical defects and no mains earth, untidy garden, poor management, broken window, dangerous means of escape, broken kitchen appliances, hole in ceiling, structural damage, unconfirmed number of occupants and overcrowding.

### How would licensing help

Due to the history of non-compliance the owners fit and proper person status would have to be considered and possibly refused. The landlord may not be permitted to be involved in the management or hold the licence and would have to appoint a suitable fit and proper person to take over the management of the property or the council could take the property over themselves.



Fuse board, dated and no earthing

Conditions could be placed on the property to improve standards, limit occupancy and provide adequate facilities and amenities. Safety certificates would have to be provided and fire precautions would have to be maintained.

Where non-compliance continues enforcement would be quicker and easier and a greater incentive would be put on the manager to ensure compliance or face losing their business.



## 7 ANALYSIS OF COMBINED EFFECTS

Bath and North East Somerset has a large number of HMOs and the Wards of Westmoreland, Oldfield and Widcombe contain over half of the HMOs with shared facilities known to Housing Services. It is accepted that the number of actual HMOs may be far higher than Housing Services are currently aware of. The problems found in HMOs and those located in the proposed area including health and safety concerns and complaints are discussed earlier in this report.

Mandatory licensing has brought some issues concerning standards to light and 60% of all licensed HMOs with significant health and safety hazards were located in the proposed additional licensing area\*. Within Oldfield, Westmoreland and Widcombe, 30% of licensed HMOs have been assessed with hazard(s) which is 10% above the average for the remainder of B&NES Wards.

Figures from the B&NES Private Sector Housing Stock Conditions Survey, 2012 suggest that up to 1,400 HMOs with shared facilities may be located in Oldfield, Westmoreland and Widcombe and not covered by the mandatory licensing scheme. If the figure of 30% of HMOs with a hazard is extrapolated to include this information then it suggests that up to 400 HMOs may have a significant health and safety hazard. This is potentially affecting the health of up to 1600 possibly vulnerable people (average 4 occupants per property) at any one time, which could be identified and improved through an additional licensing scheme. Significant numbers of local residents are also likely to benefit from a scheme.

The B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup> also suggest that HMOs have a very similar rate of serious health and safety hazards as the other private rented stock. The survey also found that 34% of HMOs in Oldfield have a serious health and safety hazard which is significantly more than average over all sampled HMOs in the district. HMOs in Widcombe and Westmoreland showed nothing significant.

The Article 4 Direction (A4D) consultation summary indicates that the majority of respondents to this consultation were residents of Oldfield Park [Oldfield] and Westmoreland. Some Lower Weston and Widcombe residents also supported the proposals which in essence will introduce the requirement for planning permission to be obtained where there is a change of use from a family home to a HMO with shared facilities. The submissions to this consultation raise some points that are also relevant to the proposals for additional licensing. The common themes came out as being:

From the supporters of Article 4	poor appearance of properties, rubbish and recycling, unkempt gardens, noise,
----------------------------------	--

	<p>over-occupation,</p> <p>belief that other approaches (such as voluntary accreditation) have failed to resolve the issues,</p> <p>better management of HMOs needed.</p>
From the objectors to Article 4	<p>rents will increase,</p> <p>use existing/other powers,</p> <p>Council should engage further with local landlords, accreditation licencing scheme should be enhanced,</p> <p>people living in HMOs are no worse than other people,</p> <p>Article 4 Direction will not improve ineffective management of HMOs,</p> <p>equality concerns,</p> <p>anti-social behaviour will not be reduced,</p> <p>existing HMOs will not be improved</p>

It is acknowledged that not all these issues can be tackled through additional licensing, but some of these aspects can be addressed through additional licensing conditions. The responses from the supporters of A4D, mainly residents indicate that HMOs in their area are being managed sufficiently ineffectively to give rise to problems which affect them.

Looking at the HMO occupants' survey, the response rate was low but gives an insight into how people perceive their housing and the management of their home. The results indicate that overall standards in HMOs are generally of an acceptable standard and perceived well by occupants. However, the responses do show some cause for concern.

Fire precautions are shown to be present in many HMOs. However, the standards in a significant proportion of cases were not in line with the minimum standards described in the National LACORS Housing - Fire Safety guidance<sup>10</sup>, a document designed to improve consistency and reduce fire risk. This is a concern when considered against the heightened risk of fire incidents in HMOs in B&NES. A significant proportion of respondents also indicated that they were not given advice on maintaining and checking their smoke alarms (Figure 13).

Upkeep of gardens is a general resident concern highlighted in the A4D consultation and the quotes from residents in section 6. The HMOs residents' survey<sup>14</sup> (also in section 6) indicates that most HMO residents only live in the property for 1 – 2 years. It also shows that nearly two thirds of residents of HMOs who have a garden and the landlord does not maintain it, were not provided with the equipment to maintain the garden themselves. HMO residents are transient in nature and often may not have the tools or awareness to independently reduce this impact.



HMO residents generally indicated that they were informed about refuse and recycling collection days when they moved in; however a significant proportion were not. Having said that most generally felt very well or fairly well informed about how and when to recycle and household waste collection.

The majority of respondents were given a gas safety certificate and an energy efficiency certificate (EPC) when they moved in. However, a significant proportion of respondents were not given the certificates when they moved in, something which is a legal and basic management requirement.

Regarding repair issues, the majority of respondents knew what to do if their home needed a repair and had 24 hour contact details for their landlords. A significant proportion were less well informed.

On levels of satisfaction with various aspects of the HMO, whereas many HMO occupants felt satisfied with their home and the management of it, a significant proportion were not.

The additional case study evidence in section 6 gives evidence of poor management practice. This shows that a proportion of HMOs are being managed ineffectively to give rise to problems for occupants of the HMOs as well as potentially for members of the public. Section 6 also shows that ineffective management of HMOs is giving rise or likely to give rise to problems for members of the public and highlights local residents concerns.

The evidence above and throughout this report strongly indicates that a significant proportion of the HMOs (proposed to be included in the scheme) 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. Furthermore, other methods of enforcement are unlikely to prove effective. Consequently, having regard to the totality of the evidence, and notwithstanding the large measure of expressed satisfaction with landlords' management, it is considered that a targeted additional licensing scheme is justified.

It is the understanding of this authority that no relevant codes of practice have been approved under section 233 of the Housing Act 2004.

## 8 MITIGATION OF HARM FROM HMOS

### EXISTING PARTNERSHIPS TO IMPROVE HMO HEALTH AND SAFETY

- Waste Services take a proactive approach at targeting problem areas and responding to complaints. A summary of waste campaigns in Oldfield, Westmoreland and Widcombe is contained in appendix 2.
- Council Connect organise responses to amongst other issues, complaints about domestic waste and street sweeping requests.
- Environmental Protection investigate incidents of statutory nuisance including noise, incidences where land and gardens are detrimental to the amenity of the local area, pests and public health and have various statutory powers to deal with these issues.
- The Council jointly with the City's two universities have a Community Liaison Officer and a Student Community Partnership involving local stakeholders.

### EXISTING PROACTIVE AND REACTIVE HOUSING SERVICES RESPONSES

- Reactive investigations, inspections and enforcement of breaches of minimum housing standards.
- Proactive inspections and enforcement of HMOs and other high risk premises.
- Enforcement: In the 2 year period from December 2010 until December 2012 Housing Services have served 94 informal notices, 41 formal notices, given 5 formal cautions and have taken 4 successful prosecutions.
- Housing Services work in close partnership with Avon Fire and Rescue Service to improve fire safety in residential accommodation, primarily HMOs and share good practice with the West of England Local Authorities.
- Targeted approach to empty homes.
- Homelessness prevention activities.
- Management of the social housing register.
- Organise and Chair the Accreditation Working group which includes partner organisations and individuals.
- Voluntary accreditation scheme (refer to section 5)
- Facilitate and fund energy efficiency improvements.
- Disabled facility grants to enable vulnerable people to remain independently living more safely in their homes.
- Home improvement loans to reduce health and safety risks for vulnerable people.

## 9 ALIGNMENT WITH OTHER STRATEGIES AND INITIATIVES

Implementation of an additional licensing scheme in the area with the highest concentration of HMOs with shared facilities could enable further controls of health and safety standards and management in HMOs whilst making best use of limited resources.

Additional licensing is consistent with the following agendas and strategies:

- **Council vision:**  
Additional licensing contributes towards the [corporate vision](#) in a number of ways by improving standards for potentially vulnerable individuals and households. Good housing will contribute towards people fulfilling their potential, leading happier and healthier lives, increasing their prospects for the future and improving communities and neighbourhoods.
- **Housing and Wellbeing Strategy:**  
Two of the key themes in the '[Housing and Wellbeing Strategy](#)' are 'better homes' and 'happy and healthy lives'. Additional licensing contributes towards both of these by improving the quality and safety of significant numbers of rented homes.
- **Local housing allowance:**  
Following changes to the [local housing allowance](#), there is an expected increase in the number of individuals requiring HMO accommodation in order to avoid homelessness. Within the proposed area HMOs with shared facilities (shared houses and bedsit accommodation) will be improved across the board to ensure minimum standards are achieved.
- **Overcrowding:**  
Occupancy will be managed in all licensed HMOs to reduce the risk of overcrowding.
- **Recycling and rubbish:**  
By promoting and informing managers and occupants about recycling and rubbish arrangements, additional licensing in partnership with Waste Services will help contribute towards the council's vision of [zero waste](#).
- **Energy efficiency:**  
Additional licensing will improve energy efficiency and contribute towards the corporate vision of low carbon communities by ensuring, where needed, energy ratings are improved.
- **Anti-social behaviour:**  
Occupants and managers will be made aware of their responsibilities towards reducing anti-social behaviour.
- **Relationships and enforcement:**  
Additional licensing will promote working with landlords while taking a stronger position with those that don't engage with the Council.
- **Voluntary Accreditation:**  
Additional licensing will complement the existing voluntary Accreditation scheme by building on the good practice developed through the scheme and bringing in a level playing field that doesn't just incorporate the 'good landlords' that volunteer to work with the council.
- **Fire safety:**

Fire safety is an important issue and additional licensing will ensure minimum fire safety standards are achieved in consultation with Avon Fire and Rescue Service.

## 10 GLOSSARY

Accumulation	A collection or pile of discarded material, rubbish, waste or litter.
Additional licensing	A provision of the Housing Act 2004 which allows Local Authorities to require all or some of the HMOs in their area or part of their area to be licensed.
Article 4 Direction (A4D)	This is a legal notice applied to a specific geographical area, and means that planning permission is required for types of development or changes of use, which would normally fall under permitted development (i.e. would not require express planning permission).
B&NES	Bath and North East Somerset Council
Category 1 hazard	A serious health and safety hazard as defined by the Housing Health and Safety Rating System (HHSRS) which the Local Authority have a duty to take action on. Includes hazards bands A – C.
Category 2 hazard	A hazard to health and safety as defined by the Housing Health and Safety Rating System (HHSRS) which the Local Authority have the power but no duty to take action on. Includes hazards bands D – J.
Council, The	The Local Authority - Bath and North East Somerset Council
Hazard	As defined by the Housing Health and Safety Rating System (HHSRS) from Part 1 of the Housing Act 2004.
HMO(s)	House(s) in Multiple Occupation as defined by the Housing Act 2004.
HMOs with shared facilities	A House in Multiple Occupation (HMO) where the occupants share a bathroom, toilet or kitchen. Includes all HMOs excluding s257 HMOs.
Housing Health and Safety Rating System (HHSRS)	The method for assessing hazards to health and safety in residential dwellings from Part 1 of the Housing Act 2004.
Mandatory licensing	A mandatory licensable House in Multiple Occupation (HMO) is a HMO which has 3 or more floors and 5 or more occupants sharing facilities as

defined by the Housing Act 2004.

Proposed additional licensing area	The area where additional licensing is being proposed, presently the Wards of Oldfield, Westmoreland and Widcombe and small parts of adjoining Wards which may include Abbey, Bathwick, Combe Down, Lyncombe, Odd Down, Southdown, Twerton.
Private Sector Housing Stock Condition Survey	A survey of house conditions across Bath and North East Somerset.
s257 HMO	A house in Multiple Occupation as defined by section 257 of the Housing Act 2004. A building converted entirely into self-contained flats where the conversion does not meet the requirements of the 1991 Building Regulations and less than one third of the flats are owner occupied.
Shared facilities	A bathroom, toilet or kitchen used by more than one household.
Significant health and safety hazard	Defined by Housing Services as a band A-D hazard assessed using the Housing Health and Safety Rating System (HHSRS) under Part 1 of the Housing Act 2004. A-D hazards are those that are actionable under the Housing Services Enforcement Policy and present a significant risk to safety and health.
Ward	A political boundary as defined by Bath and North East Somerset Council <a href="http://www.bathnes.gov.uk/services/your-council-and-democracy/elections/ward-maps">http://www.bathnes.gov.uk/services/your-council-and-democracy/elections/ward-maps</a>
West of England (W of E)	The West of England partnership of local Authorities which includes Bath and North East Somerset Council, Bristol City Council, South Gloucestershire Council and North Somerset Council.



## 11 APPENDICES

### APPENDIX 1: ARTICLE 4 DIRECTION - DRAFT CONSULTATION REPORT

#### **Article 4 Direction for Houses in Multiple Occupation: Draft Consultation Report, Section 3 Public Consultation Overview. Published August 2012**

The information below is an excerpt from the above report<sup>20</sup> and considered relevant in respect of Additional Licensing because most of the (358) registered responses are residents of the proposed target area for Additional Licensing.

##### **Summary response**

The consultation gained a significant level of support, particularly from residents for both the Article 4 Direction and additional licensing. The key issues raised by respondents in **support** of the Article 4 Direction are summarised below.

- Belief that there has been a significant increase in HMOs in Oldfield Park and Westmoreland over the last 10 years
- Deterioration of appearance of properties is of concern
- Rubbish and recycling is considered to be a major issue related to HMOs – with spilt refuse being unsightly and attracting pests and with recycling receptacles blocking pavements
- Many residents felt that students and young people in HMOs add vibrancy to the area but they also felt that HMOs are now beginning to dominate
- Many were concerned that families and young people looking to buy or rent property are being priced out by HMOs
- It is felt that non-student HMOs lets are still needed
- Westmoreland and Oldfield Park has reached saturation point in terms of HMOs
- Increase in student numbers should be tackled to shot the demand for more HMOs in future.
- Unkempt front and back gardens visually detracts from the area
- Late night noise and parties are associated with HMOs
- Irresponsible landlords and property owners are blamed for many of the issues
- On-street parking pressure is cited as one of the biggest issues linked to HMOs
- In the longer term it is felt that the concentration of HMOs will effect local schools as families are displaced
- Impact on facilities – take away and letting agencies are replacing local convenience shops on Moorland Road
- Moving in and moving out at each side of the student term are the main times of the year when there are problems

<sup>20</sup> Article 4 Direction for Houses in Multiple Occupation in Bath - Draft Consultation Report, August 2012 (Bath & North East Somerset Council)

- Sense that the Article 4 Direction will improve the quality of these neighbourhoods and help to bring back the sense of community
- Still support the proposals although consider that this might suppress existing value of family houses as they no longer have potential sales value of an HMO property
- There should be more student accommodation on campus and in specialist units (as on the Lower Bristol Road)
- In the summer the area is too quiet with many houses remaining empty
- Universities should take more responsibility for housing their students
- There is a problem with HMO dwellers living in garages (Lorne Road, Westmoreland) and in areas of Widcombe
- There is a view that HMOs are often over-occupied with extensions and loft conversions to fit extra people in the houses
- Many residents report that they live on streets with over 50% or perhaps more HMOs
- Belief that other approaches (such as voluntary accreditation) have failed to resolve the issues and concentrations of HMOs and associated issues have increased
- Issues related to HMOs in Lower Weston are also raised
- Sensible balance between different housing types needs to be resumed
- More direct ways to contact Landlords would be useful
- Landlords must be made responsible for property standards
- Less issues presented by Halls of Residence where they can are management and other controls
- Rapid increase in HMOs is noted
- Many residents feel that greater control and professional management of HMOs is essential
- Estate agents “to let” signs are used as free advertising and should be restricted
- Residential parking permits would help

The key issues raised by respondents in **objection** to the Article 4 Direction are summarised below.

Objector	Summary Response
National Landlord Association	<ul style="list-style-type: none"> <li>• Article 4 Direction should be the option of last resort</li> <li>• Believe that the creation of a small HMO is not a material change of use compared to a family house (citing appeals)</li> <li>• Limiting the number of HMOs will have a negative impact on accommodation for young people on low incomes</li> <li>• They cite a whole raft of existing statutory powers that can be used to control anti-social behaviour</li> <li>• Considerable need for rental accommodation in Bath because of high demand for housing</li> <li>• Will have a distorting impact on housing market as properties in existing</li> </ul>

	<p>HMO use will be regarded as premium investment assets</p> <ul style="list-style-type: none"> <li>• The Council should engage further with local landlords</li> </ul>
Residential Landlords Association	<ul style="list-style-type: none"> <li>• Repeat that they have already submitted a document entitled “The Case Against Article 4 Directions”</li> <li>• As yet not one of the 35 local authorities who have made these directions have made any changes as a result of the confirmation procedures</li> <li>• They will scrutinise any relevant planning policy</li> </ul> <p>The key reasons for opposition already cited in their paper are:</p> <ul style="list-style-type: none"> <li>• HMOs play a vital role in providing housing for students and working people. Alternative living arrangements for these people should be considered in the absence of HMOs.</li> <li>• The impact of the Article 4 will be felt by local residents as properties will be worth less after the Direction is in place</li> <li>• Restricting HMO supply will force up rents</li> <li>• Resultant planning applications can trigger no fee and this is therefore expensive for Council's to implement</li> <li>• Displacing HMOs to other areas will bring new problems</li> <li>• Existing powers for dealing with issues such as antisocial behaviour should be used first</li> <li>• The Article 4 is not enforceable in reality as there is often no real change of use between a family house and an HMO</li> </ul>
Mr N Smith	<ul style="list-style-type: none"> <li>• Opposed on the basis of cost to the Council of implementation</li> <li>• Considers there is no evidence of harm caused by HMOs that has been presented by the Council to justify the approach</li> <li>• Believes that the Feasibility report is biased and written with a pre-supposed outcome</li> <li>• B&amp;NES is targeting the most disadvantaged (lower paid workers, singles on housing benefit, asylum seekers) who are likely to be displaced further</li> </ul>

	<p>from the city centre thereby increasing the social divide</p> <ul style="list-style-type: none"> <li>• Planning policy is a blunt instrument to deal with the issues - enforcement and action around community cohesion is recommended instead</li> <li>• HMOs are not the main cause of anti-social behaviour</li> <li>• The B&amp;NES Accreditation licencing scheme should be enhanced instead</li> </ul>
<p>Mr A. Masters Bath University Student</p>	<p>On balance considers other measures to control anti-social behaviour should be employed rather than Article 4 Direction with Policy and Additional Licencing. Suggests further monitoring and more on campus student accommodation and later re-evaluate the need for an Article 4 Direction.</p>
<p>University of Bath Student's Union and Bath Spa University Student's Union</p>	<ul style="list-style-type: none"> <li>• Both are opposed to an Article 4 Direction for HMOs in Bath – many of membership are reliant on HMOs in order to live in Bath</li> <li>• There is no sustained argument as to why people living in HMOs are any worse than those in regular houses</li> <li>• There has been no proof that high concentrations of HMOs are a problem apart from rising house prices</li> <li>• Assert that the Article 4 Direction is not justified</li> <li>• Planning controls will not address the problems associated with inefficient management of HMOs</li> <li>• An Article 4 Direction will restrict the ability of the Housing Market to respond to local needs</li> <li>• Believe that all other options have not been tried</li> <li>• Equalities impact assessment shows that some groups are more adversely affected this contravenes B&amp;NES equal opportunities policy</li> <li>• Financial implications of implementing the Article 4 Direction and associated policy are highlighted as being very costly</li> <li>• Objections raised by the Bath Chamber of Commerce to the introduction of an Article 4 Direction are highlighted</li> </ul>

	<ul style="list-style-type: none"> <li>• Conflicts with the Council's strategy of increasing graduate retention</li> <li>• Practical issues with implementation in relation to transport need further consideration. Students rely on public transport access to dedicated services to the Universities is important in deciding where to live. There is already a bottleneck at the city centre at peak times and further dispersal of HMOs will exacerbate this problem. Travelling home at night is also a consideration and students prefer to be on the main bus routes.</li> </ul>
Cllr Nicholas Coombes	<ul style="list-style-type: none"> <li>• In principle objection that restriction in converting between family house and a small HMO implies that the latter is less desirable, not all HMOs cause issues.</li> <li>• Restricting the supply of HMOs will allow existing HMOs to fall in quality. This is counter-productive in terms of improving areas with concentrations of HMOs.</li> <li>• It is not retrospective so it will not lead to improvements or reduction in concentrations of HMOs in areas with existing high HMO concentrations</li> </ul>

A full schedule of all of the comments made is available as a background paper to this report.

## APPENDIX 2: SUMMARY OF WASTE CAMPAIGNS ACTIVITIES IN OLDFIELD, WESTMORELAND AND WIDCOMBE WARDS

The Waste Services team have had 2 Waste Awareness Officers since November 2009. This has meant that annual campaigns have been carried out in the above Wards. The below summarises those activities.

### **Student welcome knock (September – December)**

Annual student welcome knock to students living in and around Oldfield Park between September and December. The knock is to provide information to students and permanent residents about their rubbish and recycling collections. The team take orders for containers and remind residents about their collection day. They have knocked on average 1200 properties each year covering 34 streets:

Lorne Road	Third Avenue
Comfortable Place	Landseer Road
Brook Road	Lime Grove
Caledonian Road	Maybrick Road
Onega Terrace	Triangle North
Coronation Avenue	St Kilda's Road
Claude Avenue	Herbert Road
Cynthia Road	Beckhampton Road
Dartmouth Avenue	Arlington Road
Denmark Road	Stanley Road West
Stuart Place	Crandale Road
Dorset Street	Argyle Terrace
Faulkland Road	Livingstone Road
Junction Road	Third Avenue
Livingstone Terrace	Second Avenue
Westmoreland Road	Sladebrook Avenue
Sydenham Buildings	Thornbank Place



### **Student Move Out (May & June)**

The team also conduct an annual move out campaign for students leaving the city for the summer. The main messages are for students to plan ahead and utilize the collections they already receive. They also receive advice about clearing the property, making sure they do not leave rubbish and large items of furniture on the kerbside and where they can donate any unwanted items. The team usually target the same streets as the welcome knock (above).

The team also conduct road shows in and around Oldfield Park, Westmoreland and Widcombe (Coop in Shaftesbury Road & Green Park Station)

Both the student annual campaigns are conducted in partnership with the Student Community Partnership (SCP).

### **You pledge... we'll reward incentive scheme (April – December 2012)**

The Waste Campaigns team recently visited all households on 9 collections rounds. 3 rounds were in Oldfield Park and each household was offered them the opportunity to take part in our "You pledge... we'll reward" incentive scheme, which took pledges from residents to recycle more. They were rewarded if successful with either Bath Olivers (a local currency) or compostable food waste caddy liners. Below is a list of the streets that were visited:

Ivy Avenue	Third Avenue	Triangle North
Ivy Grove	St Kilda's Road	Stanley Road West
Ivy Place	Melcombe Road	Triangle East
Lymore Gardens	Faulkland Road	Crandale Road
Lymore Terrace	Beckhampton Road	Maybrick Road
Claude Avenue	Second Avenue	Belvoir Road
Bridge Road	First Avenue	Herbert Road
Coronation Avenue	King Edward Road	Livingston Road
Sladebrook Avenue	Oldfield Road	Shaftesbury Road
		Arlington Road
		Lower Oldfield Park
		Westmoreland Station Road
		Moorland Road
		Cedar Walk
		Cedar Way
		The Triangle

### **Problem properties**

The team also respond to complaints or requests for visits around Bath and North East Somerset. A large part of this work is carried out in the 3 Wards covering the proposed additional licensing area.

In the last 2 years the team have visited:

Westmoreland Street	Lorne Road
Brougham Hayes	Brook Road
Wells Road	Lime Grove
Archway Street	Beckhampton Road
Thornbank Place	St Kilda's Road
Hillside Road	

### **Road Shows**

The campaigns team hold regular road shows around the district many of which are carried out in venues in the 3 Wards. Mainly at Green Park Station and Shaftesbury Road Coop.

### **Food waste knock**

In 2010 the team carried out extensive door knocking in all Wards to promote the new Food Waste Recycling collections. These covered most properties in the Wards with a kerbside green box collection.

The team have plans this year to knock all properties in Bath and North East Somerset to promote the food waste recycling collections again.

### **Community Talks**

The team occasionally get invited to talk at community groups. In the lead up to the introduction of food waste recycling collections in 2010 the team visited the Widcombe Women's Institute and resident association to talk about the new collections and recycling in general.

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## Appendix 3

### Housing Services

Consultation on proposals for an additional licensing scheme  
for Houses in Multiple Occupation (HMOs) in Bath and North  
East Somerset

### **Public consultation - summary report**

V2 February 2013

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## 1. Introduction

In March 2012 the Cabinet of Bath and North East Somerset Council (B&NES) directed that evidence be gathered to investigate if the legislative conditions for introducing additional licensing of Houses in Multiple Occupation (HMOs) could be met, and undertake a 10 week public consultation as required by the [Housing Act 2004](#) (Section 56). Once this process is completed the Cabinet will make a final decision on whether to implement additional licensing and if so, the detail of the licensing scheme.

The formal public consultation took place from the 17<sup>th</sup> September 2012 until the 30<sup>th</sup> November 2012. This report includes responses from the formal consultation and other consultation activities that have taken place.

It is proposed to take the final report to the Council Cabinet for a decision in the spring/summer 2013.

This report should be read in conjunction with the following document:

***'Supporting documents, information and responses to the public consultation'***

which provides background information on the documents used in the consultation process, the activities undertaken and the responses and results received. This document and appendices are available from the following link:

<https://www.dropbox.com/sh/1rkeqtu0x4g37or/NadxJ9A5gl?m>

Instructions: Ctrl+click on the link above, click on the required document then click on the download box and select direct download.



## 2. Summary of consultation activities, promotions and responses

### 2.1 Overview of activities

The table below shows the consultation activities undertaken and a summary of the approximate numbers of people reached through each activity.

Activity	Numbers
Stakeholders workshop	19
On-line questionnaire	272
Written and other responses	62
Drop in events x 3	116
University market stalls x 2	85
Polish Community Event – delegates and service providers	20
Southdown electric blanket testing event	5
Mandatory HMO licence holders mail shot	265
Accredited landlords email shot	400
Letting agents mail shot	46
National Landlords Association (NLA) meeting	68
Accreditation working group	20
West of England Private sector Housing group	4
B&NES Equality Impact Assessment Quality Control Group	8
West of England Landlord Panel	8
Residents (households visited in proposed area)	1120
Businesses visited in proposed area	169
Equality groups and service providers	23
Meetings with student's Union from Bath Spa and University of Bath	4
Local Development Framework (LDF) Steering group	10
B&NES website - Unique page views (17 <sup>th</sup> Sept – 30 <sup>th</sup> Nov 2012)	
<a href="http://www.bathnes.gov.uk/hmos">www.bathnes.gov.uk/hmos</a> (additional licensing information page)	515
<a href="http://www.bathnes.gov.uk/hmo">www.bathnes.gov.uk/hmo</a> (Article 4 Direction/additional licensing information page)	769
<b>Total</b>	<b>4008*</b>

\*Some of the activities undertaken may have covered the same people/groups more than once so the total figure may include some duplicate entries.

### 2.2 Communication

Various direct and indirect publicity and promotion has gone out in 2012 about additional HMO licensing and has assisted with making the public aware of the consultation. This includes information on the Council website, distribution of flyers and articles in the Bath Chronicle.

## 2.3 Respondents to the consultation

The following numbers of responses were received through the various channels.

Mechanism	Residents of B&NES	Residents of proposed area	Landlords, businesses and organisations	Other	Total
Online questionnaire	35	128	100*	9	272
Written/other responses	2	16	37	7	62
Door step surveys		278			278
Consultation events					289**
<b>Total</b>					<b>901</b>

\*Where landlords are also residents their responses have been recorded as landlords and omitted from the residents section. This is because the responses suggest that they have been submitted from a business point of view and are similar to that of other landlords.

\*\*Includes attendees of 3 drop in events, 2 university market stall events, National Landlords Association (NLA) meeting and Polish Community event.

## 2.4 Equality monitoring from online questionnaire

Optional information regarding the equalities profile of respondents was requested as part of the online questionnaire and compared to B&NES wide statistics. The responses roughly show that equality profile of respondents was broadly in line with the district population as a whole.

The noticeable difference was mainly concerning age. The survey appeared to lack responses from the under 25 year olds and 25-34 year olds. This was despite targeted action to engage the students of both the City's Universities. However, significant responses were received from the Student Unions of both Universities who represent and submitted on behalf of a large number of young people from these age groups.

Much higher than expected responses were also received from the 45-54, 55-64 and 65-74 years old groups.

## 2.5 Overall findings of the consultation exercise

Residents of B&NES	Residents of proposed area	Landlords, businesses and organisations	Other*
Broadly in favour of the proposals although not as strongly as those residents who live in the proposed area	Broadly in support of the proposals for additional licensing	Broadly against the proposals and some very strong objections, however some split on the improvements that may be seen	Broadly more against the proposals than for, although responses were often split

## 2.6 Summary of outcomes and themes of what people told us

Themes	Residents of B&NES	Residents of proposed area	Landlords, businesses and organisations	Other*
<b>Costs</b>	Split on whether the fees structure looks appropriate (66% of respondents to the online questionnaire thought it did)	Costs are to low  No discounts should be given  Concerned about rents increasing. Rents are already high in Bath  Split on whether the fees structure looks appropriate (60% of respondents to the online questionnaire thought it did compared to 40% who did not)	Fees and costs are too high and rents will increase as a result  Need to be transparent  There should be lower fees/discounts for good/accredited landlords  Generally the fees structure does not look appropriate (80% of respondents to the online questionnaire)  Bureaucratic and expensive	General disagreement with the fees structure (75% of respondents to the online questionnaire)
<b>Conditions</b>	Agreed that licensing will improve the condition of HMOs (79% of respondents to the online questionnaire)	Agreed that licensing will improve the condition of HMOs (89% of respondents to the online questionnaire)  Main concerns with HMOs are rubbish, recycling, noise, untidy messy gardens and appearance	Mixed views on whether licensing will improve the condition HMOs (from respondents to the online questionnaire, 52% disagree and 36% agree)	Mixed views, although general disagreement that licensing will improve the condition of HMOs (of respondents to the online questionnaire, 25% agreed and 62% strongly disagreed)
<b>Improvements</b>	Broad agreement that the proposed	Agreed that licensing conditions will	Additional licensing will not solve the	Broad disagreement that the

	conditions will improve management and safety and quality of HMOs. (78% of respondents to the online questionnaire)	improve the management and safety and quality of HMOs (>90% of respondents to the online questionnaire)	issues (as presented in the evidence report).  Mixed views although balanced towards disagreement that proposed conditions will improve management of HMOs (60% disagreement, 40% agreement from respondents to the online questionnaire) and safety and quality (51% disagreement to 49% agreement from respondents to the online questionnaire).	proposed licensing conditions will improve management and safety and quality of HMOs (75% to 25% of respondents to the online questionnaire disagreed)
<b>Management</b>	Agreed that licensing will improve the management of HMOs (79% of respondents to the online questionnaire)	Agreed that licensing will improve the management of HMOs (85% of respondents to the online questionnaire)  <b>HMO tenants:</b> Generally satisfied with the management of their home (71% of respondents to the door step survey)	Mixed views on whether licensing will improve the management of HMOs (from respondents to the online questionnaire, 53% disagree and 32% agree)	Mixed views although general disagreement that licensing will improve the management of HMOs (of respondents to the online questionnaire, 25% agreed and 62% strongly disagreed)
<b>Area and properties</b>	Proposed area could be increased to include more roads, areas.  Broad agreement that licensing will improve the local area (75% of respondents to the online	Agreed that licensing will improve the local area (79% of respondents to the online questionnaire)  Broad agreement that the Council are targeting the right properties and	Mixed views on whether licensing will improve the local area (of respondents to the online questionnaire, 57% disagreed and 27% agreed)  Mixed views although broad	Mixed views although generally disagreed that licensing will improve the local area (of respondents to the online questionnaire, 25% agreed and 62% strongly disagreed)

	<p>questionnaire)</p> <p>Equally mixed views on whether the Council are targeted the right area (respondents to the online questionnaire).</p> <p>Mixed views although general agreement that the Council are targeting the right properties (of respondents to the online questionnaire, 64% agreed, 25% disagreed)</p>	<p>the right area in the proposals (70% and 86% respectively of respondents to the online questionnaire)</p>	<p>disagreement that the Council are targeting the right properties (57% disagreed and 24% agreed of respondents to the online questionnaire).</p> <p>Mixed views on whether the Council is targeting the right area (from the online questionnaire 45% disagree, 34% agree, 20% neutral).</p>	<p>Broadly disagreed that the Council's proposals are targeting the right HMOs (67% of respondents to the online questionnaire).</p> <p>Some disagreement that the Council are targeting the right area (50% of respondents to the online questionnaire disagreed, one third neutral)</p>
Other		<p>54% of residents spoken to in the proposed area say HMOs cause them problems (Door step survey)</p>	<p>The Council need to use existing powers better</p> <p>There needs to be stronger enforcement on bad landlords</p> <p>Good landlords are being punished for the bad landlords who will get away with it.</p> <p>The evidence base is questionable and disproportionate to justify such a scheme.</p> <p>The Council need to keep good</p>	<p>Negative impact on vulnerable groups (Online questionnaire)</p>



			relationships with landlords Limitations on what landlords can make tenants do Support accreditation instead	
--	--	--	--	--

\*Includes those respondents that preferred not to say, were not clear which group they represented or from another group entirely.

#### General themes from the totality of consultation responses across all groups

<ul style="list-style-type: none"> <li>• Questions raised over the evidence and validity of the HMO residents survey</li> <li>• Need to give advice/training to landlords</li> <li>• Overly bureaucratic</li> <li>• The Council should target bad landlords</li> <li>• Costs are too high</li> <li>• Extend area – including over the whole of Bath. Several specific roads and areas mentioned including Trinity Road in Combe Down, Bear Flat, Twerton.</li> <li>• Areas not included could be negatively affected</li> <li>• HMOs are responsible for noise, parking, waste/recycling problems and anti-social behaviour (ASB).</li> <li>• The Council need to maintain good relationships with landlords</li> <li>• Experience of poor HMOs from both local residents and students</li> <li>• Concerns about enforcement. Needs strong enforcement by the Council against bad landlords</li> <li>• Rental market is already expensive in Bath and rents will increase</li> <li>• May lead to a reduced availability of HMOs</li> <li>• The scheme needs to be kept simple</li> <li>• Additional licensing should improve conditions and management</li> <li>• The Council should use their existing powers better</li> <li>• Some conditions are excessive e.g. energy efficiency</li> <li>• Better for young people, residents and good landlords</li> </ul>
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### **3. The consultation process**

The formal consultation was launched on the 17<sup>th</sup> September 2012 and continued until the 30<sup>th</sup> November 2012. Around 1400 flyers were distributed through various means around the district to promote the consultation and the consultation events.

The main focus of the consultation was the online consultation mechanism on the B&NES Council website which provided an online facility to display all the consultation documents and an online questionnaire. A direct link was available from the B&NES Housing webpages which was widely promoted.

The questionnaire and all supporting documentation were also available to be downloaded and completed by hand. Hard copies were also available at the consultation events and available to be viewed in Moorland Road Library and the One Stop Shop on Manvers Street as well as on request.

Consultation events took place in October 2012 and enabled people to turn up at local events, find out information about additional licensing and the consultation and have their say.

A door step survey was also carried out in November 2012 which enabled Housing Services to promote the consultation and gather views and opinions from residents of the proposed additional licensing area.

Throughout the consultation - emails, letters and phone calls were received by a named Housing Services Officer.

#### 4. Stakeholders workshop

A stakeholders' workshop was held on the 19<sup>th</sup> July 2012 where a small group of key partners were brought together to discuss both additional licensing and the Article 4 Direction Supplementary Planning Document (SPD) and to help guide further consultation.

The main points to come out of the stakeholders' workshop were:

- Some concern that the HMO residents survey in the evidence report represented a small sample, which may undermine its validity. However, most agreed that more evidence would not prove anything different from that already found.
- Useful to have more detail on the reasons for some HMO residents' dissatisfaction to inform and justify additional licensing conditions.
- Surprise about fuel poverty and bad conditions.
- The introduction of additional licensing was broadly supported.
- General consensus that the Wards selected look appropriate. Suggested that there could well be a case for rolling this out to other Wards in due course e.g. Kingsmead, Abbey, Newbridge and Twerton. One group raised the concern that bad landlords might move outside the Wards where there is additional licensing into less regulated Wards.
- A comment was made that the scheme should be rolled out to all three Wards at once – as otherwise it could be confusing.
- Suggestions were made that in consultation and implementation it would be useful to either include whole streets where Ward boundaries divide them, or, particularly in the case of long streets, to include numbers xx – xx to define which parts of the street are affected.
- No concerns were raised with regard to the exclusion of Section 257 HMOs.
- There was support for the fact that proposed conditions pick up conversion of garages into additional bedsits.
- Suggestion that conditions should include requirements for hard-standing for waste receptacles or requirement for storage inside or in back garden. However, there was also a desire to encourage green front gardens to be retained.
- There was a question about what the energy efficiency standards would be and how far these would go.
- There was a comment made that there needs to be awareness that there are limitations on what you can make tenants do (in terms of the tenant agreement).

- It will be important that if you can make landlords provide tools for gardens, they must be in good working order.
- Important to link to other corporate teams and projects.
- There was an acceptance that landlords would recoup the costs incurred through rent and it may not be passed on fairly. Some suggested that this may be less of an issue if licencing payments were made annually and landlords could spread the cost.
- The new standards should be the focus of the licencing consultation – the details of these will be important.
- There was a general comment that more help, advice and updates to landlords and agents on legislation and standards to keep them informed, will be required.

## 5. Consultation events

In October 2012 various events were held in order to promote the additional licensing consultation and seek feedback. The events were held jointly with Planning Policy who were consulting on the Supplementary Planning Policy (SPD) for the Article 4 Direction.

In summary, nearly 300 people attended the events. The main views and themes to come out of these events are summarised as follows:

Event	Main themes about additional licensing proposals
Presentation to members of the National Landlords Association (NLA) of Wessex, 17th October	<ul style="list-style-type: none"> <li>• Perceived by many as a tax on good landlords.</li> <li>• Bureaucratic/expensive process with nothing in return.</li> <li>• Not convinced on some of the criteria e.g. energy efficiency.</li> <li>• A way of the Council funding services that used to be free to landlords – questions about enforcement.</li> <li>• Need better enforcement on bad landlords.</li> <li>• Should consider financial incentives for good landlords – maintained goodwill of landlords.</li> <li>• Accounts need to be transparent.</li> </ul>
Market Stall at Bath Spa University Students' Union, 18th October, 11am – 2pm	<ul style="list-style-type: none"> <li>• Recognition of the negative quality of housing that many had experienced.</li> <li>• Worry about costs being passed on to tenants as rental market is already expensive in Bath.</li> <li>• Generally not supportive of aesthetic improvements.</li> <li>• Raise standards and give students piece of mind.</li> <li>• Some questions were asked about particular conditions e.g. outside recycling receptacles.</li> <li>• There were concerns raised about enforcement and that bad landlords would stay “under the radar”.</li> </ul>
Market Stall at University of Bath Students' Union, 23rd October, 11am – 2pm	<ul style="list-style-type: none"> <li>• There was recognition of the negative quality of housing that many had experienced.</li> <li>• Worry about costs being passed on to tenants as rental market is already expensive in Bath.</li> <li>• Some misunderstanding about how onerous and costly it would be to comply with the proposed licensing conditions (both on the part of landlords and tenants).</li> </ul>
Open Event at One Stop Shop, Manvers Street, 23rd October, 6-9pm (with briefing presentations)	<ul style="list-style-type: none"> <li>• Variety of views, ranging from full support to various concerns about implementation, and a feeling that good landlords are already doing this, to complete objection.</li> <li>• There was discussion about whether this could create illegal sub-letting of rooms.</li> <li>• There was some discussion about whether this would reduce the HMO market, with landlords choosing to let to families instead.</li> <li>• Requests made to minimise bureaucracy and paper</li> </ul>

	<p>work as much as possible.</p> <ul style="list-style-type: none"> <li>• There was a concern that additional licensing could ruin good relationships the Council already has with landlords, and questions were raised over why it is being proposed.</li> <li>• There was a comment that it should extended to cover the whole of B&amp;NES.</li> </ul>
Open Event at St Alphege's Parish Hall, Oldfield Lane, 24th October, 5.30 - 8pm	<ul style="list-style-type: none"> <li>• There was general consensus in support of the licensing proposals, with some asking why it had not been brought in earlier.</li> <li>• One comment that landlords need to be responsible for their properties, especially the outside.</li> </ul>
Open Event at Oldfield Baptist Church Hall, Moorland Road, 25th October, 3 - 7.30pm	<ul style="list-style-type: none"> <li>• Most people were supportive. Local residents were particularly supportive of the waste and gardening conditions.</li> <li>• Landlords expressed concerns about the costs being too high.</li> <li>• Some local residents felt costs were too low.</li> <li>• Some comments were received that there should be conditions relating to noise and sound insulation.</li> <li>• Must be strong enforcement on the bad landlords.</li> <li>• Some comments were received that licensing may not improve HMO quality.</li> <li>• Comments were received that the area should be extended.</li> </ul>
Polish Community Information Event, St John's Catholic Primary School, 27 <sup>th</sup> October, 1-4pm	<ul style="list-style-type: none"> <li>• There was concern raised that rents in and around Bath are already very high.</li> </ul>

Attendees of some of the events were also asked whether they agreed or disagreed with what additional licensing could achieve via a sticker tally board.

In summary, these tally boards (shown in Appendix 3 of the supporting documents) show that views at the University of Bath Students Union were mixed as there was some disagreement that the Council is targeting the right areas and right properties but some agreement that additional licensing will improve the condition and management of HMOs. At the events at St. Alphege's Parish Hall and Oldfield Baptist Church, there was broader agreement that the Council's proposals will see improvements.



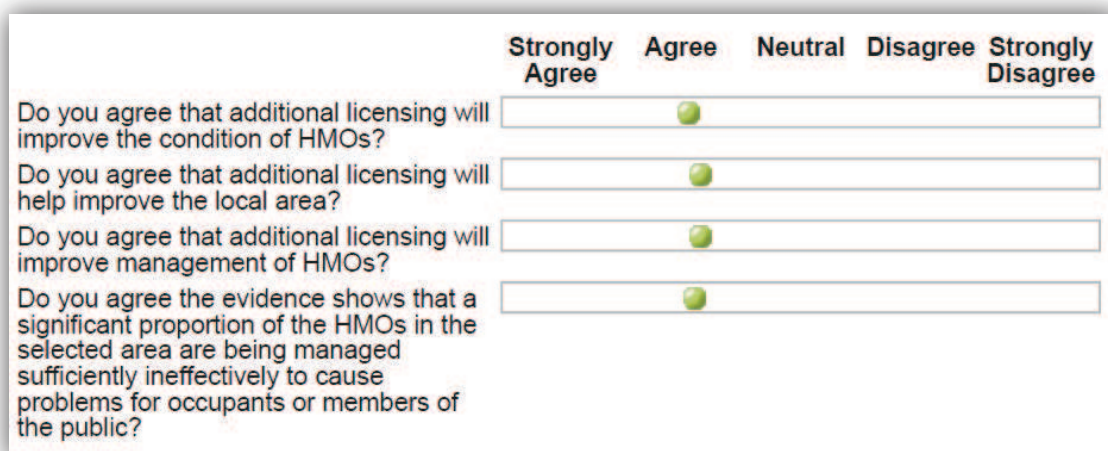
## 6. Online questionnaire

An online questionnaire was made available for completion from the 17<sup>th</sup> September until the 30<sup>th</sup> November 2012. Hard copies of the online form were received by Housing Services up until the 7<sup>th</sup> December 2012 to allow for responses that were delivered by hand to Council offices to go through internal post.

272 responses were received to the online questionnaire. However, not all questions were completed by all respondents so the number of completed responses to each question was generally lower.

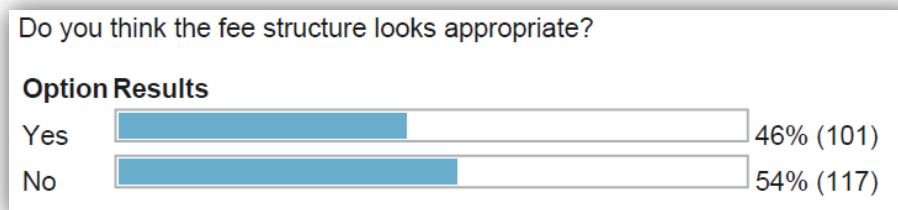
### 6.1 Main points from the response

- The majority of responses were received from residents although a sizeable number of landlords also responded. In some cases, residents who responded were also landlords for example, and therefore the initial figures appear higher than 100% as they may have ticked more than one box.
- The majority of respondents were homeowners whereas only 11% rent privately.
- On average the following statements were agreed with.



- The average response was neutral in respect of 'Do you agree that the scheme should cover HMOs with shared facilities and not include buildings converted into self-contained flats and purpose built student accommodation?'
- There was general agreement that the proposals are targeting the right area.
- 73% agreed that the proposed licensing conditions will help improve how HMOs are managed. 27% disagreed.

- 76% agreed that the proposed licensing conditions will help improve the safety and quality of HMOs. 24% disagreed.
- 60% agreed it was a good idea to improve the energy efficiency of HMOs within the scheme. 23% were unsure, 17% did not agree.
- The responses received regarding the fees structure were very even as shown below:



This question did not allow for elaboration on the response however an open question was given allowing for such elaboration and this is summarised later.

- Regarding vulnerable people, 51% thought additional licensing would positively impact on vulnerable people compared to 30% who did not know and 18% who believed the impact would be negative.
- A large number of respondents wished to be kept informed.

## 6.2 Comparisons between types of respondents

The responses were divided in to 4 different groups to get a stronger feel about what different people wanted:

1. Residents of proposed additional licensing area
2. Residents of B&NES
3. Businesses and organisations – including landlords, letting agents, universities
4. Other/prefer not to say

Where landlords are also residents their responses have been recorded as landlords and omitted from the residents section. This is because the responses suggest that they have been submitted from a business point of view and are similar to that of other landlords.

Residents of the proposed additional licensing area were not included in the responses from B&NES residents as they were considered on their own merit.

Numbers and percentages of responses for each question represent where an answer was given. Where no answer was given to the questions these responses were omitted.

In summary, residents of the proposed additional licensing area and residents of B&NES were generally more in agreement with the aspects of the consultation than businesses and organisations.

The most noticeable comparisons between the groups are summarised below:

- 89% of residents of the proposed area and 79% of B&NES residents agreed or strongly agreed that additional licensing will improve the condition of HMOs. Only 36% of businesses agreed or strongly agreed that licensing would improve the condition of HMOs as did 25% of 'other/prefer not to say'. 52% of businesses and organisation and 62% of 'other/prefer not to say' disagreed or strongly disagreed.
- 89% of residents of the proposed area and 75% of B&NES residents agreed or strongly agreed that additional licensing will help improve the local area compared to 27% of businesses and organisations. 57% of businesses and organisations disagreed or strongly disagreed and 62% of 'other/prefer not to say' strongly disagreed.
- 85% of residents of the proposed area and over 79% of B&NES residents agreed or strongly agreed that additional licensing will improve management of HMOs. 53% of businesses and organisations disagreed or strongly disagreed compared to 32% who agreed or strongly agreed. 63% of 'other/prefer not to say' strongly disagreed whereas 25% agreed.
- 87% of residents of the proposed area and 65% of B&NES residents agreed or strongly agreed that the evidence shows that a significant proportion of the HMOs in the selected area are being managed sufficiently ineffectively to cause problems for occupants or members of the public. 30% of businesses and organisations and 25% of 'other/prefer not to say' also agreed or strongly agreed compared to over 47% and 63% respectively who disagreed or strongly disagreed.
- 70% of residents of the proposed, 64% of B&NES residents and 24% of businesses and organisations agreed or strongly agreed that the scheme should cover HMOs with shared facilities and not include buildings converted into self-contained flats and purpose built student accommodation. 67% of 'other/prefer not to say', 57% of businesses and organisations and 25% of B&NES residents disagreed or strongly disagreed.
- 86% of residents of the proposed area, 45% of B&NES residents and 34% of businesses and organisations agreed or strongly agreed that the Council is targeting the right area for this scheme. 50% of 'other/prefer not to say', 46% of B&NES residents and 45% of businesses and organisations disagreed or strongly disagreed.
- Over 92% of residents of the proposed area and 78% of B&NES residents agreed that the proposed licensing conditions will help improve how HMOs are managed. Businesses and organisations were 60% to 40% against, 'other/prefer not to say' were 75% to 25% against.

- Over 94% of residents of the proposed area and 78% of B&NES residents agreed that the proposed licensing conditions will help improve safety and quality of HMOs. Businesses and organisations were roughly 50:50. 'Other/prefer not to say' were 75% to 25% against.
- 78% of B&NES residents, 69% of residents of the proposed area, 40% of businesses and landlords and 25% of 'other/prefer not to say' agreed it was a good idea to improve the energy efficiency of HMOs in the scheme. This compared to 75% of 'other/prefer not to say' and 38% of businesses and organisations who disagreed. 26% of residents of the proposed area and 21% of businesses and organisations were unsure.
- Over 80% of businesses and organisations did not think the fee structure looked appropriate supported by 75% of 'other/prefer not to say'. Around 60% to 40% of residents of the proposed area thought the fee structure looked appropriate supported by two thirds of B&NES residents.
- All responses from the 'other/prefer not to say' group thought additional licensing would have a negative impact on vulnerable groups in the community. Businesses and organisations were evenly split and residents broadly thought the impact would be positive.

### **6.3 Responses from inside and outside the proposed additional licensing area**

Responses were then classified according to whether they were received from people or organisations operating within or outside the proposed area.

In general there was a clear divide between responses received from people directly affected (living or operating within the proposed area) compared to those coming from outside the proposed area. The responses from those inside the proposed area were more in agreement that improvements would be seen if additional licensing came in than those that were not. It should be noted that those outside the proposed area were only small in number.

### **6.4 Responses from tenants who live in private rented accommodation**

Respondents who said they rent privately from a landlord or agent were also looked at separately. The number of private renters who responded was very low and there was a broadly even split between agreement and disagreement for most questions. The responses that stood out were:

60% agreed that it is a good idea to improve the energy efficiency of HMOs within the scheme. 20% no; 20% unsure. 73% thought the fee structure did not look appropriate and 57% felt the proposals would have a negative impact on vulnerable groups. 21% positive; 21% didn't know.

## 6.5 Free text responses

Below is a summary of responses given where free text answers were available.

<b>What other help and support do you think we should be offering landlords whose properties will need a licence?</b>
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| <ul style="list-style-type: none"><li>• The most common responses received suggested that we should not provide any further help to landlords. However, it was frequently suggested that the Council should provide further information, guidance, training and education to landlords. It was also raised that residents should be better kept informed about HMOs in their area.</li><li>• It was also suggested that the Council should offer financial support to landlords, ensure strong enforcement of the legislation and provide more support if problems occur related to HMOs.</li><li>• Resourcing the voluntary accreditation scheme was also raised as was lowering the fees. Other comments were concerned with the Council offering discretion where appropriate and encouraging communication between landlords and the community.</li></ul> |
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<b>Would you like to see any changes to these proposed conditions or do you have any suggestions?</b>
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Suggestions received included the following:
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| <ul style="list-style-type: none"><li>• The strongest area to come out of these responses was that there needs to be strong enforcement by the Council, not just of the conditions but also better use of existing powers and targeting of bad landlords and tenants.</li><li>• There was also general disagreement with the proposals and a feeling in some cases that the conditions were excessive. There was also some general agreement.</li><li>• It was mentioned that costs are too high and properties may be sold as a result and rents may increase. It was mentioned that the standards should be the same as the accreditation standards and one person mentioned that accredited properties should be exempt from licensing.</li><li>• Concern was raised about the minimum room sizes, restricting garage conversions and how landlords can be expected to manage tenants.</li><li>• There were concerns about the condition on energy efficiency and that it was too onerous. It was also suggested that conditions around parking, noise, external areas, waste and recycling and security should be included as well as an element of neighbour consultation</li></ul> |
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and reasonable discretion shown in applying the conditions.

**Do you have any suggestions about the fees structure, for example, some people think we should offer discounts where landlords behave in a professional manner and save the Council time and resources.**

- A number of responses were in direct comparison. It was suggested that the proposed fees are too high and similarly the proposed fees too low; discounts should be given and similarly discounts should not be given.
- It was also suggested that there should be lower fees for good landlords including those that are already accredited and higher or only fees for bad landlords.
- It was mentioned that rents will increase as a result, there should be a reduced fee for renewals, the income should be used to pay for sorting out problems with the properties and locals concerns. The fees need to be transparent and there should be the opportunity to pay yearly or in instalments.
- There was one response saying that the proportional increase in fees is not fair and one saying it was fair. There was also a request to keep simple.

**Please give us more detail on who you think will be positively or negatively impacted by additional licensing and why?**

Common responses suggested that the following positive and negative effects would be felt by additional licensing:

Positive affects	Negative affects
Safer for tenants Young people (including students) Residents Good landlords Mixed communities Elderly people	Rents will go up Young people (including students) Areas not covered by additional licensing Good landlords Bad landlords Low income Tenants Evictions Reduced availability Home owners Disabled

**Would you like to make further comments on additional licensing?**

In summary, common suggestions and comments included:

- Additional licensing overlaps with accreditation.
- There needs to be strong enforcement.



- Rents will increase.
- Costs are excessive.
- Some responses were generally against additional licensing and some were generally for additional licensing.
- HMOs cause problems associated with recycling and rubbish, parking, noise and poor appearance.
- Additional licensing will result in less housing.
- Proposed area should be larger or city wide.
- HMOs need to be safe.
- Landlords cannot control tenants.
- Energy efficiency condition is excessive.
- The council should use existing powers better.
- Keep it simple.
- Transparency.
- Fines should be imposed on landlords if problems occur with properties and tenants.
- Landlord forums would improve the Councils working relationships with landlords.

Other points raised during the consultation process, not directly related to licensing included:

- Parking, residents parking permits and lack of parking.
- Rubbish collections and provision of recycling containers from the Council.
- Balanced communities – less HMOs in certain areas and more family homes.
- 24 hours out of hours service for the council including assistance with anti-social behaviour, noise nuisance etc.
- Landlords should be considered as a business and pay business rates.
- Students should pay Council tax.

Several comments were received that not enough space was given for free text responses. As a result, this increased the number of other written responses received.

## **7. Written and other responses**

62 written and other responses including notes taken from verbal responses were received in relation to the consultation.

In summary, the responses were received from 29 landlords and letting agents, 18 residents, 9 groups and organisations (including landlord groups and a residents group) and 6 other.

27 responses were generally in favour and 24 were generally against with the remainder being non-committal.

### **Residents**

Of the residents who responded including 1 residents group (19), 17 were generally for and 2 were non-committal. Two landlords responded who were also residents and their responses were grouped with the landlords.

The residents group that responded was the Westmoreland Residents Association who were in favour of the proposals and raised concerns regarding untidy gardens, being able to contact landlords and the Council not having a 24 hour service.

Residents mainly had concerns associated with rubbish and recycling, noise and untidy and messy gardens.

### **Landlords and Letting Agents**

Of the landlords and letting agents who responded including 3 landlord groups (32), 22 were generally against and 6 were generally for the proposals. The remainder did not make it clear either way.

The landlords groups that responded were The National Landlords Association (NLA), The National Landlords Association Wessex (NLA Wessex) and The Residential Landlords Association (RLA). They submitted significant responses and were all against the proposals raising concerns regarding the evidence base, the impact of the licensing proposals and increasing rents.

Landlords mainly had concerns associated with good landlords being punished for the bad ones who they believe will continue to get away with not complying. They raised concerns with increased bureaucracy and felt the Council should use existing powers better and there should be stronger enforcement. They also felt fees are too high, rents will increase, evidence is questionable, licensing will not solve the issues and voluntary accreditation should be used instead.

### **Other organisations who responded**

- Avon and Somerset Police who were keen to see security measures included in any scheme.

- Avon Fire and Rescue Service who were in favour of any measure that would protect occupiers and provide training to tenants.
- Bath Spa University and Bath Spa Students Union (joint response) welcomed improving standards but had concerns about licensing and potential for rental increases.
- The University of Bath Students Union were generally against any licensing and questioned the evidence and the conditions being proposed.
- The University of Bath were in favour of additional licensing.

#### **The main themes identified from the responses included**

- HMOs are responsible for problems associated with rubbish, recycling and waste, untidy and messy gardens; parking problems, noise problems; anti-social behaviour; poor appearance.
- Stronger and better enforcement is needed by the Council and the Council should use their existing powers better.
- Proposed fees are too high and rents will increase as a result of licensing.
- More bureaucracy which will not solve the issues.
- Evidence base is questionable to justify this kind of intervention.
- Use and resource accreditation instead.
- Bad landlords will get away with not complying and good landlords are being punished for the bad ones.
- Area being covered should cover the whole of Bath.

## 8. Door-step surveys

During November 2012, Officers from Housing Services visited 169 business premises in and around the proposed additional licensing area. Each was given a letter, information on the proposals for additional licensing and details on how to formally respond to the consultation.

During this same period, a further 1,120 residential premises were visited in the areas affected by the additional licensing proposals. The areas visited are detailed below.

Ward	Road
Oldfield	Herbert Road
Oldfield	St Kilda's Road
Widcombe	Brougham Hayes
Widcombe	Lorne Road
Westmoreland	Triangle North
Widcombe	Pulteney Gardens
Westmoreland	Coronation Ave
Widcombe/Lyncombe	Wells Road
Widcombe	Carlton Gardens
Widcombe	Carlton Road
Westmoreland/Twerton	Shophouse Road
Twerton	High Street
Widcombe	Calton Walk
Oldfield	Beckhampton Road
Westmoreland/Southdown	Lymore Avenue
Bathwick	Lime Grove Gardens
Oldfield	Third Ave
Oldfield	Monksdale Road

Through this work each household was door knocked and left with a letter detailing the consultation.

Where an occupant was at home and willing to talk to the surveyor, the additional licensing consultation was discussed and promoted and pre-defined questions were asked of the occupant.

### 8.1 Residents of HMOs

129 HMO residents were spoken to and the following responses were given:

- 129 tenants of HMOs spoken to. 27% from Oldfield; 38% from Westmoreland; 33% from Widcombe; 2% other
- 95% have working smoke alarms in their homes, over half were only battery powered.
- Over half were not advised to check their smoke alarms every week, one quarter were and the remainder did not know.

- Over half were not shown how to check their smoke alarms, over one quarter were.
- Over 80% were informed about refuse and recycling collections days.
- Over two thirds have been given enough recycling and rubbish containers.
- 40% were given a copy of the EPC when they moved in. 35% were not and 24% did not know.
- 57% were given a copy of the gas safety certificate when they moved in. 21% were not and 23% did not know.
- 95% knew who to contact if their home needs a repair.
- 73% have 24 hour contact details for their landlord or agent. 22% did not.
- 89% either very or fairly satisfied with their home.
- 71% very or fairly satisfied with the management of their home. 20% either fairly or very dissatisfied

## 8.2 Non-HMO residents

Residents who did not live in HMOs were simply asked:

1. Are you aware of any shared houses in your local area?  
Yes/No/Don't know and Comments

2. Do they cause you any problems?  
Yes/No/Don't know and Details

149 residents were spoken to and the following responses were given:

- 149 residents spoken to. 31% from Westmoreland; 26% from Oldfield; 26% from Widcombe; 17% from a combination of Bathwick, Widcombe/Lyncombe, Westmoreland/Southdown, Westmoreland/Twerton. These spilt Wards are instances where roads pass through Ward boundaries.
- 139 (93%) were aware of shared houses in their local area.
- 81 (58% of residents who were aware of shared houses in their local area; 54% of total people spoken to) reported that shared houses cause them problems.
- Some people chose to elaborate into the problems. The top 3 concerns recorded were rubbish, noise and appearance.
- Some people also mentioned the positive result of increased numbers of shared houses being more young people in the area and improved bus routes.

Appendix 4

## Equality Impact Assessment / Equality Analysis

<b>Title of service or policy</b>	Implementation of Additional Licensing of Houses in Multiple Occupation (HMOs) around the Oldfield , Westmoreland and Widcombe areas of Bath.
<b>Name of directorate and service</b>	Directorate: People and Communities Service: Housing Services
<b>Name and role of officers completing the EIA</b>	Jeremy Manners , Senior Environmental Health Officer, Housing Services
<b>Date of assessment</b>	23 <sup>rd</sup> August 2012 updated March 2013

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.	<b>Identify the aims of the policy or service and how it is implemented.</b>	
	<b>Key questions</b>	<b>Answers / Notes</b>
1.1	<p>Briefly describe purpose of the service/policy including</p> <ul style="list-style-type: none"> <li>• How the service/policy is delivered and by whom</li> <li>• If responsibility for its implementation is shared with other departments or organisations</li> <li>• Intended outcomes</li> </ul>	<p>Implementation of additional Houses in Multiple Occupation (HMO) Licensing. A licence would be required for all HMOs<sup>1</sup> with shared facilities in Oldfield, Westmoreland and Widcombe and small areas of adjoining Wards. This would be managed and enforced by the Housing Standards and Improvement Team.</p> <p>The intended outcomes of this service is to ensure all HMOs comply with higher standards of safety, quality and management. It is intended this should lead to :</p> <ul style="list-style-type: none"> <li>• Improved quality of life for residents;</li> <li>• Safer and healthier homes;</li> <li>• Higher quality HMOs making it easier to attract and keep employees in Bath: and</li> </ul>

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<sup>1</sup> A House in Multiple Occupation (HMO) can be defined as a house with 3 or more people from 2 or more households (a full definition can be found in the 2004 Housing Act).



		<ul style="list-style-type: none"> <li>Better quality housing will be available for potentially vulnerable people.</li> </ul>
<b>1.2</b>	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> <li>Is it a new service/policy or review of an existing one?</li> <li>Is it a national requirement?).</li> <li>How much room for review is there?</li> </ul>	<p>Additional licensing of HMOs is an extension to the existing Mandatory licensing scheme. This is already required for all properties with three or more storeys and 5 or more occupants living as two or more households.</p> <p>It is not a national requirement. Local Housing Authorities are given the flexibility to implement additional licensing where there is the need in a specific local area.</p> <p>A 2011 Study by consultants Arup suggested that additional licensing could be used as one part of a suite of measures to help create more balanced communities.</p> <p>A ten week consultation was undertaken from August – November 2012, where much of the detail of the additional licensing proposals were review and commented on. The Council cabinet will make the final decision on implementation expected June 2013.</p>
<b>1.3</b>	Do the aims of this policy link to or conflict with any other policies of the Council?	<p>The implementation of additional licensing for HMOs is proposed to be implemented alongside planning controls over HMOs in the whole of the city of Bath</p> <p>The benefits of this option are highlighted in section 1.1.</p> <p>The proposed aims of this policy link in with the following:</p> <ul style="list-style-type: none"> <li>Two of the key themes in the '<a href="#">Housing and Wellbeing Strategy</a>' are 'better homes' and 'happy and healthy lives'. Additional licensing contributes towards both of these by improving the quality and safety of significant numbers of rented homes.</li> <li>Additional licensing contributes towards the <a href="#">corporate vision</a> in a number of ways by improving standards for potentially vulnerable individuals and households. Good housing will contribute towards people fulfilling their potential, leading happier and healthier lives, increasing their prospects for the future and improving communities and neighbourhoods.</li> <li>By promoting and informing managers and occupants about recycling and rubbish arrangements, additional licensing in partnership with Waste Services will help</li> </ul>

		<p>contribute towards the council's vision of <a href="#">zero waste</a>.</p> <ul style="list-style-type: none"> <li>• Additional licencing will improve energy efficiency and contribute towards the corporate vision of low carbon communities by ensuring, where needed, energy ratings are improved.</li> </ul> <p>Challenges identified include:</p> <ul style="list-style-type: none"> <li>• 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; conflicting with objectives around affordability</li> <li>• It could lead to a disparity of standards of HMO across the city; conflicting with equality objectives</li> <li>• If the approach taken 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. This could damage economic development objectives for the city.</li> </ul>
<h2>2. Consideration of available data, research and information</h2>		
<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"> <li>• <b>Demographic</b> data and other statistics, including census findings</li> <li>• Recent <b>research</b> findings (local and national)</li> <li>• Results from <b>consultation or engagement</b> you have undertaken</li> </ul>		

<ul style="list-style-type: none"> <li>• Service user <b>monitoring data</b> (including ethnicity, gender, disability, religion/belief, sexual orientation and age)</li> <li>• Information from <b>relevant groups</b> or agencies, for example trade unions and voluntary/community organisations</li> <li>• Analysis of records of enquiries about your service, or <b>complaints</b> or <b>compliments</b> about them</li> <li>• Recommendations of <b>external inspections</b> or audit reports</li> </ul>		
	<b>Key questions</b>	<b>Data, research and information that you can refer to</b>
2.1	What is the equalities profile of the team delivering the service/policy?	Please see appendix A.
2.2	What equalities training have staff received?	Housing Standards and Improvement Team members have received up to date equalities training including training on the Equality Act 2010 and the 9 protected Characteristics.
2.3	What is the equalities profile of service users?	<p>Through equalities mapping and population profile analysis (B&amp;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 a large proportion of occupants of HMOs 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 (<a href="http://www.hesa.ac.uk/index.php?option=com_content&amp;task=view&amp;id=2060&amp;Itemid=141">http://www.hesa.ac.uk/index.php?option=com_content&amp;task=view&amp;id=2060&amp;Itemid=141</a>)</p> <p>The BANES Residential Review 2007 provides data across the BANES Wards on items such as population age profile, tenure profile, affordable housing profile and location of accredited properties.</p> <p>There is a lack of specific data about non-student HMO dwellers and their gender, age, disability, transgender and sexual orientation and socio-economic profile. The council has hitherto had no opportunity to monitor this data as HMO below a size threshold of 5</p>

		people or less than 3 storeys have no obligation to register with the Council.
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2.4	<p>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>	<p>All data referred to above, plus:</p> <ul style="list-style-type: none"> <li>• B&amp;NES House Condition Survey,</li> <li>• Surveys with tenants</li> <li>• Equality monitoring data from tenant's customer Satisfaction Surveys</li> <li>• Equality monitoring data from landlord's customer Satisfaction Surveys</li> <li>• Equality monitoring data from consultations</li> <li>• Equalities Profile of the area 2009 V1.0</li> <li>• Voicebox 16 2009: Housing Services</li> <li>• Ward level data, predominantly from 2001 census, as set out in appendix B (and 2011 update).</li> </ul> <p><b>Gaps</b></p> <ul style="list-style-type: none"> <li>• There is a concern that survey data from tenants reflects a small sample, but there was an agreement at the consultation stakeholder workshop that further data from tenants wouldn't provide new insights.</li> <li>• The total number of HMOs in the City based on existing data is considered to be an underestimate of the real level of provision.</li> <li>• Data on the profile of landlords/HMO developers is lacking.</li> <li>• Data on the profile of HMO residents other than students is lacking.</li> <li>• Much of the data in appendix B is from the 2001 census, and is likely to be hiding changes that have occurred over the last 11 years.</li> </ul>
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<p><b>2.5</b></p>	<p>What engagement or consultation has been undertaken as part of this EIA and with whom?</p> <p>What were the results?</p>	<p>As part of the feasibility study a workshop was held on 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"> <li>• to bring stakeholders together to share and understand different perspectives related to HMOs in Bath;</li> <li>• to share the data related to both need for HMOs and impacts of HMOs; and</li> <li>• to test potential interventions that might help to create balance and sustainable communities</li> </ul> <p>The results included broad support for the introduction of additional licensing. There was a feeling that in many parts of Bath there are smaller HMOs than will currently be included in the mandatory licensing scheme, so additional licensing would deal with some of the existing issues in a way that an Article 4 Direction alone would not.</p> <p>Following the initial feasibility study, a further workshop was held on 19<sup>th</sup> July 2012. The aims were to:</p> <ul style="list-style-type: none"> <li>• inform stakeholders of research undertaken to date on options and proposals for HMO licensing and planning controls in Bath.</li> <li>• share the emerging evidence base, approaches taken by other local authorities and gather feedback</li> <li>• clarify aspects of licencing and planning policy formulation where stakeholders have the opportunity to influence, and gather feedback.</li> </ul> <p>There was general support for additional licensing at this workshop and general consensus that Wards selected look appropriate.</p> <p>A wide range of stakeholders were represented at these workshops, including:</p>
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		<ul style="list-style-type: none"> <li>• Ward Councillors from across Bath</li> <li>• Planning Officers, B&amp;NES Council</li> <li>• Housing, Transport, Research, Community and Economic Development Officers, B&amp;NES Council</li> <li>• University of Bath</li> <li>• Bath Spa University</li> <li>• Royal United Hospital</li> <li>• Bath Spa University Students' Union</li> <li>• University of Bath Students' Union</li> <li>• HMO Landlords</li> <li>• HMO Developers</li> <li>• Letting Agents</li> <li>• Local Residents</li> <li>• Avon and Somerset Police</li> </ul> <p>Other groups engaged with as part of the formal consultation:</p> <ul style="list-style-type: none"> <li>• B&amp;NES Equality officer – Cordelia Johnney</li> <li>• B&amp;NES EIA quality control group</li> <li>• Polish Community group</li> </ul>
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		<ul style="list-style-type: none"> <li>• Various drop in sessions held in community venues in Oldfield and Westmoreland and the One stop shop.</li> <li>• National Landlords Association (NLA) meeting.</li> <li>• Visit to Oxford City Council</li> <li>• Visit to Cardiff City Council</li> </ul>
<b>2.6</b>	<p>If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?</p>	<p>A full consultation process was planned with respect to additional licensing, over 10 weeks. It was run alongside the consultation on the Houses of Multiple Occupation Supplementary Planning Document (SPD) to provide clarity on the issues and overlaps. The consultation would target all groups of user who would be affected by the proposals. In addition to an online consultation, there are also drop in events at the One Stop Shop In Manvers Street, St Alphege's Church, Oldfield Lane and Oldfield Baptist Church on Moorland Road as well at events at Bath Spa and Bath University and a National Landlords Association (NLA) meeting.</p> <p>Specific efforts will be made to engage with equalities groups and they will be invited to the events, one to one meetings will also be held as necessary.</p> <p>Housing officers attended an event run by the Polish Community in Oldfield Park on 27<sup>th</sup> October 2012. Housing officers also attended an electric blanket testing event at Southdown Methodist church to engage with older people.</p> <p>Other opportunities to engage with groups such as transgender and BME communities have also been suggested by the EQIA Quality Assurance group, these will be followed up where possible. The following groups have been contacted to seek their views and to try and encourage involvement in the consultation process:</p> <ul style="list-style-type: none"> <li>• BEMSCA (Bath ethnic minority senior citizens association)</li> <li>• Manvers Street Mosque (Bath Islamic Society)</li> <li>• Age UK</li> <li>• BFESG (Black families education support group)</li> </ul>

		<ul style="list-style-type: none"><li>• B&amp;NES people first</li><li>• LGBT workers challenge group</li><li>• Bangladesh Association Bath</li><li>• REC (Bath racial Equalities Council)</li><li>• CAB</li><li>• Housing Options and Homelessness Team</li><li>• St. John’s Catholic Church, Bath</li><li>• RUH Communications</li><li>• Equalities dip-in sample group</li><li>• Learning Partnership Support West</li><li>• Swan advice network</li><li>• BEACH (Bath East Asian, Chinese and Friends Group)</li></ul>	
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"><li>• Meets any particular needs of equalities groups or helps promote equality in some way.</li><li>• Could have a negative or adverse impact for any of the equalities groups</li></ul>		
		<b>Examples of what the service has done to promote equality</b>	<b>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</b>
3.1	<b>Gender</b> – identify the impact/potential impact of the policy on women and men. (Are there any issues regarding pregnancy and maternity?)	The process of requiring a licence will mean that action will be taken to raise the quality of private rented accommodation, resolve hazards and ensure higher standards. The improved standards will	This could lead to a disparity of standards of HMO across the city, with HMOs outside of the proposed areas becoming poorer quality (e.g. in relation to energy efficiency, fire safety etc).

		<p>be particularly beneficial for the most vulnerable tenants, who perhaps currently live in sub-standard accommodation. These more vulnerable residents often fall into one or more equality groups.</p> <p>NB this positive impact will apply to all the groups considered below.</p>	<p><b>Action:</b> <i>On-going monitoring of impacts of licensing to be used to consider whether it might be appropriate to extend the scheme to other Wards.</i></p>
3.2	<b>Transgender</b> – – identify the impact/potential impact of the policy on transgender people	<p>There is no evidence of a positive or negative impact on this Equalities group, due to lack of data and knowledge about HMO landlords and HMO dwellers in B&amp;NES. Responses from the online additional licensing consultation will be considered. Officers should be sensitive when investigating occupancy of rooms and inspecting properties.</p>	
3.3	<b>Disability</b> - 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>A paragraph has been added to enforcement notices, informal and formal, stating that reasonable adjustments may be required.</p> <p>Note: Care homes are exempt from licensing.</p>	<p>As in 3.1 above; and</p> <p>The completion of a 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><b>Action:</b> <i>Assistance to be offered to all landlords to complete the application form and on-going help and advice will be given.</i></p> <p><i>A strapline will added to standard letters and notices saying that they are available in other formats.</i></p>
3.4	<b>Age</b> – identify the impact/potential impact of the	As in 3.1 above	<p>Licensing may push up rental prices if landlords see the opportunity to pass on costs to tenants,</p>

	policy on different age groups	<p>More choice of high quality HMOs will make it easier to attract young professionals/lower paid employees to Bath.</p> <p>The requirements for greater energy efficiency will reduce fuel poverty amongst the elderly and other age groups such as younger people on lower incomes.</p> <p>Young families and elderly people are more likely to be attracted to and enjoy certain areas.</p> <p>Note: Childrens homes and care homes are exempt under the Housing Act 2004.</p>	<p>(will affect those with lower salaries and students that tend to be younger people).</p> <p><b>Action:</b> <i>The formal consultation raises the potential impact on vulnerable people and asks for comments.</i></p> <p><i>Further consultation on the costs to consider how this potential impact can be minimised.</i></p>
3.5	<b>Race</b> – 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 that reach minimum standards.</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 and migrant workers.</p> <p>Any cultural issues will be considered</p>	<p>As in 3.1 above and</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 for poorer standards outside of the areas where additional licensing is proposed. Small parts of Bathwick will be included in the proposed scheme.</p> <p><b>Action:</b> <i>On-going monitoring of impacts of licensing to be used to consider whether it might be appropriate to extend the scheme to other Wards.</i></p>

		before enforcing standards.	
<b>3.6</b>	<b>Sexual orientation</b> - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people	There is no evidence of a positive or negative impact on this Equalities group, due to lack of data and knowledge about HMO landlords and HMO dwellers in B&NES. Officers should be sensitive when investigating occupancy of rooms and consider that same sex couples may be living as a household.	
<b>3.7</b>	<b>Religion/belief</b> – 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  Note: Certain buildings occupied by a religious community are exempt from additional licensing.	As in 3.1 above
<b>3.8</b>	<b>Socio-economically disadvantaged</b> – 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  The requirements for greater energy efficiency will reduce fuel poverty amongst those on lower income as it should reduce energy bills.  Better quality housing will be provided to tenants on lower incomes.  Good quality housing is important for people to achieve their educational and professional potential.  Note: Properties managed by a social landlord are exempt.	As in 3.1 above; and  May push up rental prices as landlords pass the licensing costs onto the tenants which would affect amongst others, students, people on housing benefit and those with lower incomes. However, this will be a marginal cost.  May make those on lower incomes vulnerable to lower standards outside of the areas where additional licensing is applied.  <b>Action:</b> <i>Further consultation on the costs to consider how this potential impact can be minimised.</i>  <i>On-going monitoring of impacts of licensing to be used to consider whether it might be appropriate to extend the scheme to other</i>

			<i>Wards. Consider other proactive area based initiatives.</i>
<b>3.9</b>	<b>Rural communities</b> – identify the impact / potential impact on people living in rural communities	Increasing the quality of affordable areas within the city to live, e.g. young people living at home in rural areas, may be able to move out.	May make those in rural areas, outside of the areas where additional licensing is applied, more vulnerable to lower standards in shared housing. The cost of shared housing may increase in the proposed area making it harder for young people from rural communities to move out in to shared accommodation in the areas they may want to live – limiting choice.

#### 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 additional licensing is accompanied by appropriate guidance and that additional support is available for equalities groups.	Ensure equalities groups are included in the consultation process	Preparation of appropriate guidance in time for the consultation.	Housing Standards and Improvement Team	In time for consultation
The completion of a licence application form can be	Assistance to be offered to all landlords to complete the	Assistance available from when the licensing requirements are	Housing Standards	When licensing requirements

difficult for those with certain impairments. There can also be communication difficulties if legal action is taken for noncompliance with the HMO licence provisions.	application form.	implemented.	and Improvement Team	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).	Further consultation on the costs to consider how this potential impact can be minimised.  Where possible, efficiency savings to be made and passed on to landlords. Initial enquiries indicate that licensing does not push up costs.	Consultation on how costs are implemented to minimise this impact	Housing Standards and Improvement Team	Prior to implementation of additional licensing scheme
May make those outside the areas where additional licensing is proposed more vulnerable to lower standards in shared housing (this may impact adversely on a number of equality groups)	On-going monitoring and consideration as to whether the scheme should be extended.	Annual monitoring reports	Housing Standards and Improvement Team	Post implementation of additional licensing scheme.
Potential for people to be uncomfortable or give inaccurate information when asked about living arrangements.	Sensitive consideration will need to be undertaken by Housing Officers when asking questions of people about their living arrangements when seeking to establish if a property is an HMO.	Customer Service standards.	Housing Standards and Improvement Team	Ongoing



## 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](mailto: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:**

## Appendix A

### Equalities profile of Housing Services and B&NES residents

<b>Gender</b>	Male	Female				
HS	32.65%	67.35%				
B&NES	49%	51%				
<b>Ethnicity</b>	White	Mixed	Not known	Asian/Asian British	Black/Black British	Chinese or other ethnic
HS	93.88%	4.08%	2.04%	0%	0%	0%
B&NES	94.5%	1.4%		1.4%	1%	1.7%
<b>Religion</b>	Christian	Buddhist	Not revealed	Muslim	No religion	Other
HS	51.02%	2.04%	12.24%	0%	34.69%	0%
B&NES	71.01%	0.33%	8.03%	0.39%	19.50%	0.71%
<b>Sexuality</b>	Heterosexual	Lesbian/Gay/Bisexual	Not stated			
HS	28.57%	2.04%	69.39%			
B&NES	93%	7%*	0%			
<b>Disability</b>	Disabled	Not revealed	Not disabled			
HS	2.04%	6.12%	91.84			
B&NES	15% (3.1% aged under 65)	0%	85%			
<b>Age</b>	Under 24	25-44	45-64	65+		
HS	0	42.86%	55.10%	2.04%		
B&NES	17.19%	26.03%	24.04	17.24%		

Source: ONS 1997 mid year population estimates / DWP Disability Living Allowance & Attendance Allowance May 2008

\* Estimate provided by B&NES, <http://wwwi/communityandliving/equality/Pages/Equality%20Census%20Summary%202001.aspx>

## Appendix B

### Equalities profile of B&NES residents and wards most affected by proposals

	B&NES	Westmoreland	Oldfield	Widcombe
Age (Jun 2010)				
25-49	31.5%	28.4%	26.6%	32.1%
16-24	16.6%	39.5%	37.5%	31.9%
0-15	16.7%	9.9%	11.9%	11.3%
50-59 / 50-64	14.6%	9.5%	9.7%	11.2%
Over 60 / 65	20.6%	12.8%	14.3%	13.5%
Sexuality	no data available at ward level			
Gender (2001 Census)				
Male	51.4%	51.3%	51.9%	49.8%
Female	48.6%	48.7%	48.1%	50.2%
Ethnicity (2001 Census)				
White: British	93.96%	93.24%	92.13%	88.57%
White: Other	3.26%	3.48%	3.55%	7.50%
Mixed	0.58%	1.04%	1.38%	0.70%
Asian or Asian British	0.54%	0.42%	0.96%	0.90%
Black or Black British	0.47%	0.74%	0.74%	0.57%
Chinese or other	0.80%	0.86%	1.00%	1.48%
Religion (2001 Census)				
Christian	71.02%	68.25%	66.96%	59.03%
Buddhist	0.33%	0.32%	0.28%	0.64%

Hindu	0.16%	0.13%	0.31%	0.21%
Jewish	0.12%	0.11%	0.07%	0.17%
Muslim	0.39%	0.21%	0.63%	0.73%
Sikh	0.07%	0.00%	0.00%	0.15%
Other	0.36%	0.42%	0.33%	0.60%
No religion	19.51%	22.81%	22.75%	30.29%
<b>Disability</b>				
Living with a long-term limiting illness	15.8%	14.7%	17.2%	11.8%

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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## Access to Information Arrangements

### Exclusion of access by the public to Council meetings

Information Compliance Ref: 583/13

Meeting: Cabinet Meeting

Date: 12<sup>th</sup> June 2013

Author: Graham Sabourn

- REPORT: Housing in Multiple Occupation -Additional licensing Cabinet report
- Appendix 1: Proposed designation
- Appendix 2: Evidence report
- Appendix 3: Consultation report
- Appendix 4: Equalities Impact Assessment
- Appendix 5: Legal opinion (exempt report)

1. The appendix 5 constitutes 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:

1. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the meeting resolve to exclude the public. The paragraphs below sets out the relevant public interest issues in this case.



**Factors for withholding:**

- Legal advice as to the course of action open to the Council. It is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion. Without such confidence there are risks of lack of openness between client and lawyer and threats to the administration of justice. This thereby enables a public body to have confidence that the legal issues are being discussed fully. There is an important public interest in such confidence.

**Factors for disclosure:**

- Further public understanding of the issues concerned.
- Promotion of accountability and transparency by the Council for the decisions it takes.
- Allows individuals and companies to understand decisions made by the Council affecting their lives and assists individuals to challenge those decisions.

**Reasons why the public interest favours non-disclosure:**

- It is important for public authorities to be able to obtain unfettered legal advice in respect of proposed legal proceeding against its decisions and to be able to ask questions of Officers to enable Elected Members tasked with representing the local community to reach a decision after having taken such advice into account.
- It is important for public authorities to have some measure of 'private thinking space', and that they are able to share important information with Elected Members tasked with represent the local community.

Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	12 <sup>th</sup> June 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2412
TITLE:	Gypsies, Travellers and Travelling Showpeople Site Allocations Plan Update	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments	Annex 1 : site assessment criteria	

## **1 THE ISSUE**

- 1.1 This report provides an update on the preparation of the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD and sets out the next steps.

## **2 RECOMMENDATION**

That the Cabinet:

- 2.1 notes the progress on the preparation of the Gypsies, Travellers & Travelling Showpeople Site Allocations Plan;
- 2.2 agrees the revised programme for the preparation of the Plan, and the consequential amendment to the Local Development Scheme, as set out in para. 5.19 below.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 Preparation of this Plan is funded from the Local Development Framework budget.
- 3.2 The progression and eventual adoption of the Gypsies, Travellers and Travelling Showpeople Site Allocations Plan will demonstrate the Council's commitment to the provision of sites to meet identified need. The allocation and development of sufficient pitches to meet local need will also enable the Council to redirect households travelling through the District to legal site(s). This will limit the need for enforcement action by the Council and its associated costs.
- 3.3 It is recognised that there will always be Gypsies and Travellers who cannot provide their own sites and as such it is considered that socially rented pitches should be provided as part of the overall pitch requirement for the District. As one of the sites still under assessment is publicly owned, if the suitability of this site is confirmed, then Council has the option to ultimately offer that land for sale to private individuals or Registered Providers who may wish to develop and manage that site. The Council also has the option to develop and run sites itself which would have ongoing resource and financial implications. These financial implications will be modelled when firm options around potential sites are available.
- 3.4 The Council does not at this stage need to determine which, if any, sites it would wish to make a commitment to developing itself. At its 14 February 2012 meeting the Cabinet agreed to make a £1.8m capital budget provision towards provision of pitches for Gypsies and Travellers, a budget that was recently augmented by a successful bid for HCA Traveller Pitch Funding of £750,000. This HCA grant funding is conditional on a number of factors including site completion by March 2015. A scheme is currently being progressed that will deliver a scheme providing 14/15 pitches subject to obtaining planning permission and capital sign-off approval. It is anticipated that a planning application will be submitted in Autumn 2013.
- 3.5 Pitch provision is eligible for New Homes Bonus and the future use of any New Homes Bonus receipts arising will be considered by the Council as part of the medium term service and resource planning process in the appropriate financial year. The cost of developing individual sites forms part of the ongoing DPD assessment work.

### **4 CORPORATE OBJECTIVES**

- *Promoting independence and positive lives for everyone*
  - *Creating neighbourhoods where people are proud to live*
  - *Building a stronger economy*
- 4.1 This item contributes mainly to priority one "*Promoting independence and positive lives for everyone*". Allocating land to develop authorised sites for the travelling communities will meet the Council's requirements to eliminate discrimination, advance equality of opportunity and foster good relations between different groups. The development of authorised sites should improve the life chances of the travelling community as well as improving community cohesion.

## 5 THE REPORT

### Update on progress

- 5.1 The purpose of the Site Allocations Plan is to identify land for the development of permanent and transit residential accommodation for Gypsies and Travellers and sites for Travelling Showpeople to meet identified need in Bath and North East Somerset. The District does not currently have a permanent site for travellers although it does have temporary sites.
- 5.2 The Plan is still in its preparatory stages (Regulation 18 stage of the Town and Country Planning (Local Planning) Regulations 2012/767). At its meeting in September 2012, the Cabinet confirmed the need for a review of the process which included the following tasks:
- to update the assessment of need for pitches to establish the level of need for 5 and 10 year supply of sites in accordance with Planning for Traveller Sites;
  - to review the site selection criteria;
  - to review the scope for major development sites to include provision for Gypsy and Traveller sites;
  - to review capacity to accommodate the travelling communities outside the Green Belt, including opportunities for provision in neighbouring local authorities in accordance with the duty to cooperate;
  - to consider the results of the 2012 options consultation and assess the suitability of the 3 remaining sites; and
  - to assess the additional sites suggested through the 2012 Call for Sites, including a review of the District's existing unauthorised Gypsy and Traveller sites.
- 5.3 An update on these tasks is provided below.

#### *Updating the assessment of need: GTAA*

- 5.4 The assessment of need (the GTAA or Gypsy & Travellers Accommodation Assessment) was updated in 2012 and the report was published as part of the background papers to the Proposed Changes to the Submitted Core Strategy in March 2013. The Assessment was undertaken by consultants with significant experience in this area of work and closely followed national guidance.
- 5.5 The previous West of England GTAA of 2007 identified need for 19 permanent pitches (plus 3 pitches to account for projected population growth), 1 Travelling Showpeople's yard and 20 transit pitches in B&NES. The updated GTAA 2012 identifies the following need:

Need	Time Period	2012-2017	2018-2022	2023-2027	TOTAL (2012-2027)
Gypsy and Traveller		24	1	3	28
Travelling Showpeople		40	0	0	40
Transit		5	0	0	5

- 5.6 The most significant change in need has been identified for Travelling Showpeople in the District, as the survey identified a large number of households

either already living on unauthorised sites or seeking sites in B&NES. Though a large number of Travelling Showpeople were identified in the West of England area at the time of the previous assessment, just two of those households were identified as residing in B&NES. The identification of higher demand for Travelling Showpeople sites is a result of a much more rigorous assessment process.

#### *Review the site selection criteria*

- 5.7 As reported to Cabinet in September 2012, in response to concerns expressed over the site assessment process and the scoring matrix, the method of site assessment has been amended. The revised approach uses criteria which are closely based on national policy in both the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPfTS). The revised criteria considered by Cabinet in September and are being used to assess site suitability for allocation.

#### *Scope to include provision on major development sites*

- 5.8 Initial responses from the housing development industry has highlighted their concern that seeking to require provision for Traveller needs on major development sites increases the complexity of bringing development sites forward. However, this issue will need to be further pursued through the preparation of the Placemaking Plan.

#### *Engagement with Neighbouring Local Authorities*

- 5.9 In preparing Local Plans the Council has a legal duty under the Localism Act to cooperate with other local planning authorities and public bodies, engaging “*constructively, actively and on an ongoing basis*” when planning for strategic cross-boundary matters. The Council has ongoing engagement with neighbouring local authorities and other public bodies on the issue of assessing and responding to the accommodation needs of travelling communities. This includes the West of England Authorities as well as other adjoining authorities.
- 5.10 Prior to commissioning the GTAA update, the Council discussed with the other West of England Authorities the possibility of joint working to update the evidence base. North Somerset Council had already completed such an update in 2011, and Bristol City and South Gloucestershire Councils were not then in a position to update their evidence base at the same time as B&NES. Since that time however Bristol City and South Gloucestershire have commissioned a joint update, with the methodology used by consultants for the B&NES assessment being shared to ensure a coordinated approach. The same consultants have since been commissioned to undertake the update; this will further ensure that each study is robust by removing the potential for double-counting of the local population.
- 5.11 As well as identification of need, the Council also continues to engage with neighbouring authorities to discuss the strategic approach to provision, taking account of cross-boundary issues. The option of undertaking a joint plan of provision was previously considered and rejected because the Local Authorities were at different stages of responding to need. Strategic co-operation is particularly relevant given the accommodation characteristics of the travelling communities across local authorities. Neighbouring authorities have indicated in

recent discussions that there is no capacity for need arising in B&NES to be met in their districts. However once Bristol and South Gloucestershire have finalised their needs assessment over the next few months, further consideration will be given to a co-ordinated approach to provision. The Council cannot proceed to the preparation of a sound Plan without fully co-operating with adjoining authorities.

#### *Results of the 2012 Options Consultation*

- 5.12 Key issues arising from the previous options consultation were reported to Cabinet on 12 September 2012. A Consultation Statement has also since been published, responding to the issues raised during the options consultation. Three sites (at Keynsham, Radstock and Stanton Wick) were removed from the process of consideration by Cabinet leaving 3 sites for further assessment.
- 5.13 The sites at Woollard Lane, Whitchurch; Station Road, Newbridge and Lower Bristol Road, Twerton remained to be assessed. As noted at paragraph 3.4 a planning application is currently being progressed on the Lower Bristol Road site and it is anticipated that it will be submitted in September 2013. The site at Station Road, Newbridge, Bath is no longer available due to alternative uses being considered for this site, while the site at Whitchurch remains under consideration. The public consultation comments received relating to these sites have been taken into account in informing the ongoing site assessment.

#### *Assessment of additional sites*

- 5.14 The second Call for Sites undertaken during 2012 yielded 27 additional site suggestions for assessment. A further 2 sites (one an unauthorised encampment at Green Patch Lane, Farmborough, and another site at Ashmead Road, Keynsham) have also been added to the list of new site suggestions. The location of the 27 sites was published in September 2012 in response to a request from town and parish councils to be publically notified of their location.
- 5.15 The assessment of the suitability of these sites has not yet been completed and specialist work, including archaeological assessment and land contamination investigations, is still being undertaken. This specialist work will be incorporated into the overarching site assessment results, providing the Council with a comprehensive understanding of which sites are suitable, any constraints, and also the potential cost to develop individual sites. This is necessary to understand development viability and deliverability. Once this work is completed a Draft Plan will be produced for public consultation.
- 5.16 Investigations are also underway as to whether any of the current Travelling Showpeople accommodation arrangements can be regularised; this could reduce the requirement to identify additional sites for traveling showpeople.
- 5.17 As the assessment of sites described in paras 5.15 and 5.16 is still underway it is not appropriate to give an indication of site suitability in advance of completing that work, therefore no final determination or recommendation is made at this stage. This is especially important in light of the public concerns expressed during the 2012 options consultation that only finalised proposals should be published. Conclusions also cannot be reached about the selection of sites until work has been undertaken with adjoining authorities, the scope to include Traveller provision on major development sites has been concluded and

opportunities outside the Green Belt have been fully explored. A programme for the next stages of this work is set out in para 5.19 below.

## **Conclusions**

5.18 In summary, the further work required is:

- (1) Co-operation with adjoining authorities to ensure a joint strategic approach to provision has been undertaken;
- (2) Assessing the contribution that major development sites can make towards accommodating travelling communities;
- (3) Investigating the scope to regularise existing Travelling Showpeople accommodation; and
- (4) Finalising the assessment of suitability of suggested sites to contribute to meeting the accommodation needs of the travelling communities.

## **Programme**

5.19 The current programme for the Plan set out in the Local Development Scheme entails public consultation on a draft Plan in June / July 2013. However given that progress on the Plan is dependent on other work being completed as outlined in para 5.18 above, , it is recommended that the timetable is revised as follows:

<b>STAGE</b>	<b>DATE</b>
Undertaking tasks referred to in para. 5.18 above	to December 2013
Prepare Draft Plan	Dec. to March 2014
Public consultation on Draft Plan	Spring 2014
Revise and submit Plan for Examination	Summer 2014
Examination in Public hearings	Autumn 2014
Consider Inspector's recommendations and Adopt	Winter 2014

## **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 if the Council completes the stock take and fails to identify sufficient sites through the Development Plan process to meet need that there will be pressure for sites to be granted planning permission on an ad hoc basis or by appeal. Unauthorised encampment is also likely to continue; this has associated enforcement action costs. Each of these outcomes are likely to have a detrimental effect on relationships between the settled and travelling communities. A lack of authorised accommodation also has negative effects on the welfare and social integration of Gypsy, Traveller and Travelling Showpeople



families with the settled community which puts the Council at risk of failing to meet its Public Sector Equality Duty.

## **7 EQUALITIES**

- 7.1 The statutory duties of the Council include the Public Sector Equality Duty which requires the Council to pay due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between different groups in the course of developing policies and delivering services. Gypsies and Travellers are recognised as distinct ethnic groups and are protected from discrimination by the Equality Act 2010.
- 7.2 An Equality Impact Assessment (EqIA) has been completed. Adverse impacts arising from the delay to the identification and allocation of sites for development have been identified but are considered to be justified by the need for rigorous assessment of sites. A comprehensive assessment should ensure that the DPD is taken through Examination and adoption in a more timely fashion.

## **8 RATIONALE**

- 8.1 The Council needs to respond to the accommodation needs of its travelling communities to meet national requirements and its own corporate objectives. A delay to this work is unfortunate but necessitated by the unexpected rise in need identified in the evidence base; and the need for ongoing cooperation with neighbouring local authorities which is delayed by evidence gathering currently taking place in those areas.

## **9 OTHER OPTIONS CONSIDERED**

- 9.1 None at this stage. This Council is obliged by the National Planning Policy Framework 2012 to identify land to meet the needs of the Travelling Community.

## **10 CONSULTATION**

- 10.1 *Cabinet members; Policy Development and Scrutiny Panel; Section 151 Finance Officer; Chief Executive; Monitoring Officer*
- 10.2 At its meeting on Tuesday 14<sup>th</sup> May 2013, the Housing & Major Projects Policy Development & Scrutiny Panel resolved the following;
- Note the progress and further work on the preparation of the Gypsies, Travellers & Travelling Showpeople Site Allocations Plan
  - The Panel calls on Cabinet to produce a list of feasible sites, according to the existing 2012 criteria and to produce a timeline as part of their June recommendations.
  - The Panel requests that Cabinet ensures that adequate resources are provided to complete the work on this matter properly and expeditiously.

## **11 ISSUES TO CONSIDER IN REACHING THE DECISION**

- 11.1 *Social Inclusion; Customer Focus; Sustainability; Property; Young People; Human Rights; Corporate; Health & Safety; 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.

<b>Contact person</b>	<i>David Trigwell 01225 394125; Simon de Beer 01225 477616</i>
<b>Sponsoring Cabinet Member</b>	<i>Councillor Tim Ball</i>
<b>Background papers</b>	Gypsy and Traveller Accommodation Assessment (ORS, 2012) Consultation Statement: Preferred Options Cabinet report September 2012
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## ANNEX 1: SITE ASSESSMENT CRITERIA

<b>Site</b>
<b>Background Information</b>
Site size, location and existing land use <i>(Where is the site in relation to the existing settlement boundary?)</i>
Planning history
<b>Sustainability – economic factors</b>
Site access to local services? <i>(Food shop, schools, doctor's surgery)</i>
Would the site enable access to employment opportunities?
<b>Sustainability – social factors</b>
Could the site promote peaceful and integrated co-existence? <i>(E.g. residential amenity, privacy, proximity to neighbouring land uses)</i>
Site access to health facilities?
Site access to education?
Could the site promote opportunities for a healthy lifestyle? <i>(E.g. adequate landscaping, play space provision)</i>
Could the site provide an opportunity for high quality design and a good standard of amenity? <i>(E.g. soft landscaping, site not isolated)</i>
<b>Sustainability – environmental factors</b>
Would the site make use of previously developed, untidy or derelict land?
Would the site place occupants / neighbouring land uses at risk from flooding?
Is the local infrastructure accessible and have capacity for development? <i>(E.g. highway capacity, ability to turn vehicles on-site, access)</i>
Could the site provide a healthy environment for site and neighbouring occupants? <i>(E.g. contamination, noise issues, hazardous location, access to utilities)</i>
Would the site adversely impact on any important habitat(s) or species? <i>(E.g. Site of Nature Conservation Interest)</i>
Would the site adversely impact on any landscape designation(s)? <i>(E.g. Area of Outstanding Natural Beauty)</i>
Would the site adversely impact on any heritage asset(s) or their setting? <i>(E.g. World Heritage Site, Conservation Area, Listed Building)</i>
<b>Sites in Rural Areas and the Countryside</b>
Would the scale of the site dominate the nearest settled community?
Is the site proposed to meet a need for a rural exception site and would this site be appropriate? (Solely affordable provision)

<b>Green Belt</b>
To check the unrestricted sprawl of large built-up areas
To prevent neighbouring towns merging into one another
To assist in safeguarding the countryside from encroachment
To preserve the setting and special character of historic towns
To assist in urban regeneration, by encouraging the recycling of derelict and other urban land
Would the site require an exceptional Green Belt boundary alteration?
<b>Mixed Use</b>
Would a mixed-use site at this location be practicable, and have due regard to the safety and amenity of site and neighbouring occupants? <i>(I.e. Could the site enable traditional Gypsy / Traveller lifestyles, including through live/work pitches?)</i>
<b>Is the site Suitable, Available and Achievable?</b>
Commentary on overall site suitability for development
Is the site available for development as residential or transit pitches, or a Travelling Showmen's yard? <i>(Any ownership issues)</i>
Is the site developable and deliverable? Over what timescale would the site come forward? <i>(E.g. viability concerns, barriers to delivery)</i>
What pitch capacity does the site have?
<b>Site Conclusions</b>

Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	12 <sup>th</sup> June 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2568
TITLE:	Personal Budgets: Implementation of the National Resource Allocation System Progress Report and the Wider Implications for the Adult Social Care Pathway & Personalisation	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 - Personal Budgets: Implementation of the National Resource Allocation System Progress Report and the Wider Implications for the Adult Social Care Pathway & Personalisation		

## 1 THE ISSUE

- 1.1 The report summarises work undertaken since October 2012 to move from a local system for Personal Budgets resource allocation to the National Resource Allocation System (RAS).
- 1.2 The report then goes on to set out complementary work that is underway to adjust the focus of the current social care pathway to ensure that the new RAS is effective as possible and also supports the development and embedding of the personalisation of adult social care.

## 2 RECOMMENDATION

The Cabinet agrees to:

- 2.1 Note progress in implementing the National Resource Allocation System and work that is underway to adjust the focus of the current social care pathway; and
- 2.2 Receive an update after the first year of implementation of the new RAS.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 A report to the Wellbeing Policy Development & Scrutiny Panel on 13<sup>th</sup> March 2012 set out the financial context for the proposed changes to the Personal Budgets Resource Allocation System, the implementation of which is assumed to be cost neutral overall.
- 3.2 There are no new financial implications arising from this progress report.

### **4 CORPORATE OBJECTIVES**

- *Promoting independence and positive lives for everyone*

### **5 THE REPORT**

- 5.1 The main report (Appendix 1) provides details of:
- (1) Progress in implementing the national RAS and early findings from implementation; and
  - (2) Work underway to reconfigure the adult social care pathway to both support effective implementation of the RAS and, also, to further develop and embed the personalisation of adult social care.

### **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 Equalities considerations were detailed in the October 2012 report to Cabinet. A formal EIA has been completed with advice and support from the Council's Equalities Team.

### **8 RATIONALE**

- 8.1 The rationale for implementing the national RAS was set out in detail in the report to Cabinet in October 2012 and comprises three key strands:
- (1) Equalities considerations – the current system is inequitable and therefore open to potential challenge
  - (2) Financial – the current system is not financially sustainable
  - (3) Capacity/sustainability – the current system places a bureaucratic/processing burden on practitioners which is not sustainable.
- 8.2 During implementation of the national RAS, it has become increasingly clear that for the RAS to be as effective as possible it will be necessary to make changes to and adjust the focus of the current social care pathway.

## 9 OTHER OPTIONS CONSIDERED

9.1 None. Failure to revise the current system is not a viable option for the reasons set out above.

## 10 CONSULTATION

10.1 *Ward Councillor; Cabinet members; Overview & Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Stakeholders/Partners; Other Public Sector Bodies*

10.2 Consultation was undertaken during October to December 2012, in line with the proposals set out in the report to October Cabinet and included service user focus groups, mailshots and network meetings.

## 11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *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.

<b>Contact person</b>	<i>Sarah Shatwell Senior Commissioning Manager, Non-Acute &amp; Social Care <a href="mailto:Sarah_Shatwell@bathnes.gov.uk">Sarah_Shatwell@bathnes.gov.uk</a> 01225 477162</i>
<b>Sponsoring Cabinet Member</b>	<i>Councillor Simon Allen</i>
<b>Background papers</b>	<i>Wellbeing Policy Development &amp; Scrutiny Panel Report: 16<sup>th</sup> March 2012 'Personal Budgets: Review of Policy Framework &amp; Resource Allocation System' Wellbeing Policy Development &amp; Scrutiny Panel Report: 21<sup>st</sup> September 2012 "Personal Budgets: Review of Policy Framework &amp; Resource Allocation (Progress Report)" Cabinet Report: 10<sup>th</sup> October 2012 "Personal Budgets: Review of Policy Framework &amp; Resource Allocation (Progress Report)"</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	



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## **Personal Budgets: Implementation of the National Resource Allocation System and the Wider Implications for the Adult Social Care Pathway & Personalisation**

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### **Context**

This report provides an update on the implementation of the National Resource Allocation System for Personal Budgets. It follows reports to Wellbeing Policy Development & Scrutiny Panel in September 2012 and to Cabinet in October 2012 (both reports titled: *“Personal Budgets: Review of Policy Framework & Resource Allocation - Progress Report”*).

This paper summarises progress in implementing the new RAS, including early findings. This paper also sets out the complementary work that is underway to adjust the focus of the current social care pathway to ensure that the new Resource Allocation System (RAS) is effective as possible and, also, supports the further development and embedding of the personalisation of adult social care.

### **National Resource Allocation Scheme Implementation Update**

A Resource Allocation Scheme (RAS) is used to calculate an approximate amount of money that the council may make available for an individual who has been assessed under *Fair Access to Care Services* (FACS) to be eligible for personal social care. This “estimated” Personal Budget is the indicative amount that an individual can spend on meeting their social care needs. The individual is then asked to plan (with support where needed) how they would wish to meet their needs and the Support Plan is submitted for agreement and the final Personal Budget amount agreed.

In September 2012 following the completion of a RAS Financial Modelling exercise it was agreed that the best way to move forward with the implementation of the RAS would be to pilot the new system with Sirona’s Bath social work team to test out the new Resource Allocation Questionnaire and the other new documentation associated with it. Alongside the pilot a period of consultation was carried out through October to December 2012 to raise awareness of proposals to adopt the national RAS and, also, to gather feedback to inform the approach to implementation. These events took place with local people in Bath, Midsomer Norton and Keynsham as well as at the Carers Centre in Radstock.

The piloting of the RAS “tools” was carried out with the Bath Social Work Team between October 2012 and January 2013. During the pilot a great deal of work was carried out to adapt the tools so as to be fit for local usage and to incorporate them into the Care First IT system. The pilot also offered the opportunity to further test if the RAS financial modelling had resulted in the RAS assessments generating appropriate amounts of funding.

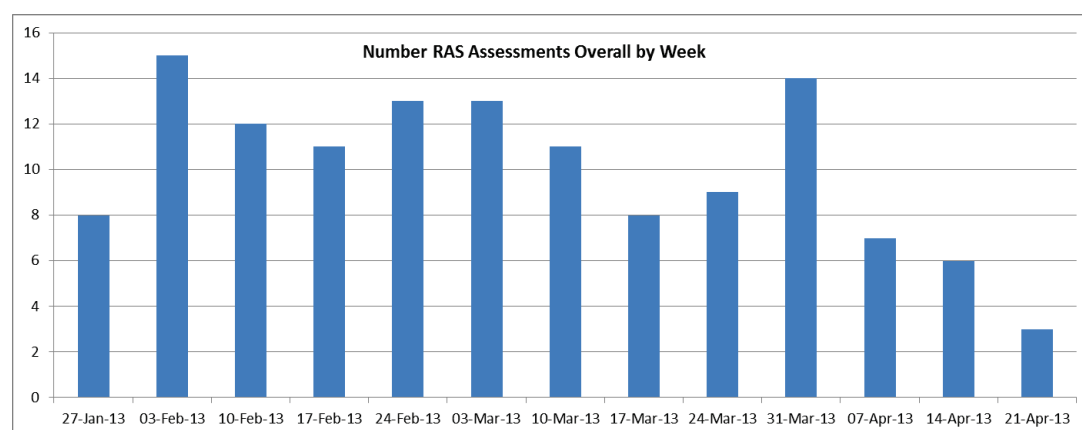
Following a review of progress, including early findings from the pilot, it was agreed that a staged approach to implementation of the RAS was more appropriate than large scale roll-out over a relatively tight timescale. This more staged approach would allow the Project Team time to develop operational Guidance for staff in use of the new system. It would also allow further time to review the RAS documentation – Resource Allocation Questionnaire, Support Plan and Review - and how the final versions would be incorporated into the Care First IT Operating system.

At the same time, a formal project management and governance structure was established to ensure clear communication and decision-making processes. As part of this project management and governance structure, oversight of the implementation of the National RAS and review of the adult social care pathway, which is outlined later in this report, is undertaken by the Strategic Planning Group for adult social care. Membership of this group includes the Cabinet Member for Wellbeing and relevant Senior Commissioning Manager.

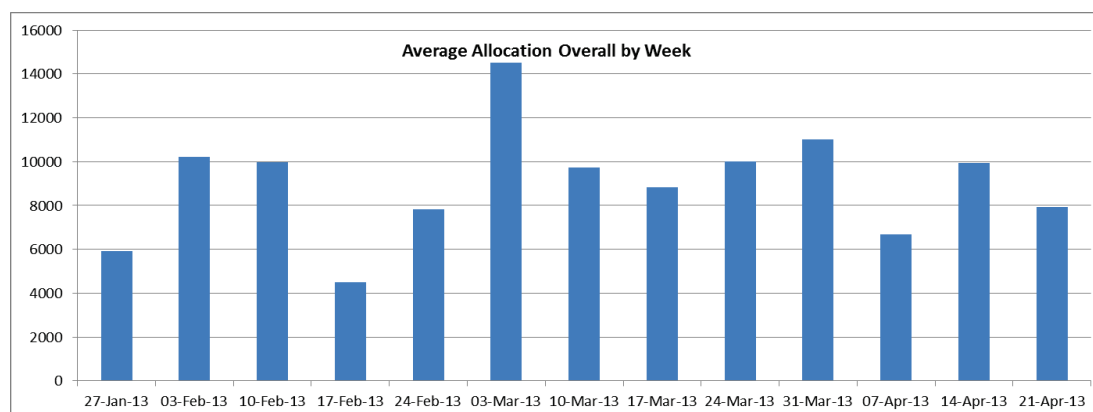
### **Implementation – First Phase**

The Bath social work team started “live” implementation on the 21<sup>st</sup> January and this was closely monitored. During the first two weeks of the implementation monitoring and review resulted in changes to the RAS documentation and supporting process. For example, changes resulted in social workers being encouraged and supported to consider preventative approaches such as Reablement, Telecare and Community Equipment services prior to assuming that people would require on-going social services funded through a personal budget. This is important because, as explored later in this report, there is a great deal of evidence that the access to preventative, early intervention and enablement services has the dual benefit of achieving better outcomes for people and, also, helping local authorities manage the costs associated with demographic growth by enabling people to remain as independent as possible within their own homes.

The following data gives some useful information on progress in introducing the new RAS between Jan 21<sup>st</sup> and April 21<sup>st</sup> 2013.



This chart shows the amount of “Support Assessments” carried out between January 21<sup>st</sup> and April 21<sup>st</sup> 2013. The “Support Assessment” is an integral part of the new RAS and has the same purpose as the former Community Care Assessment. Not all of the Support Assessment progress to the Resource Allocation stage and a good number result in no services at all. This further highlights the need to adapt the current social care pathway as many of these cases could have been supported through enhanced information and advice services and others through a short term intensive enablement service without the need for a full assessment.



For those people requiring on-going support services following a “Support Assessment” this chart show the average annual personal budget amount allocated during the weeks that the new RAS has been operational.

Recent analysis of financial data in relation to the new RAS shows that of 30 new referrals into adult social care 27 (90%) individuals were supported to purchase their support within the “estimated budget” generated by the RAS.

Further evidence shows that where there has been a change in the level of need requiring an “unscheduled review” 17 of 24 individuals (71%) were able to purchase their care and support within their new “estimated budget”. However, in the majority of these cases (19) the costs of the new support packages are greater than the costs of the packages pre-RAS reflecting an increase in the individual’s level of need.

In order to be able to generate even more useful financial data to assess the impact of the RAS we are exploring the use of new Management Information systems that will enable us to capture timely, relevant and accurate financial data. In particular, it is hoped that these will enable us to capture the following information:-

- Cost of package prior to the RAS being applied
- New Estimated Budget
- Agreed post-RAS Budget i.e. what was actually agreed at the support plan stage

## **Implementation – Phase 2**

In preparation for the implementation of the new RAS by other social work teams in Sirona a training programme was put in place. The training ran from April 22<sup>nd</sup> to 20<sup>th</sup> May and, on completion, will have resulted in over 100 practitioners and managers being trained in operating the new system.

Prior to the training key members of the Project Team visited the staff teams to, provide an update on progress with the RAS, introduce the RAS tools and provide a Questions and Answers opportunity. These sessions were very well received and the feedback has been positive.

The introduction of the new RAS into Mental Health Teams will require a separate approach. This is partly due to the fact that AWP use a different client record system (RIO). This means at the moment that Mental Health social workers cannot access the new Resource Allocation Questionnaire and therefore cannot work out the “estimated personal budgets” for service users. A dedicated Project Group is looking at the options for establishing a cost effective interface between the two client record systems so that Mental Health social workers are able to access the necessary RAS Tools.

Alongside this a small Project Group is working to develop Guidance, plan training and support and ensure that the RAS is applied effectively as it is roll-out within the Mental Health service.

An update on progress of Phase 2 implementation including roll-out of the RAS within the Mental Health service will be provided in the next progress report.

## **Adult Social Care Pathway & Personalisation**

The “Putting People First” concordat and the subsequent “Think Local Act Personal” Partnership, both highlight the need for significant transformation in order to deliver the personalisation of adult social care. Whilst there has been a strong focus on the “Personal Budgets” element that provides “eligible” service users with more choice and control, it is also recognised that the principles of personalisation require an equally strong focus on supporting the wider community to continue to live their lives as independently as possible within their own communities, therefore preventing the need for people to access statutory services.

The chart below (Fig. 1) highlights the areas of social care where it is proposed that we focus our attention as we adjust the social care pathway in a way that will mean individuals and communities can be supported to be more resilient and the need for formal social care services provided through Personal Budgets will only be required by those who are most in need or vulnerable.



Fig. 1

- **Universal services** – Through the further development and enhancement of quality information and advice services and approaches, all adults with social care needs and their carers will receive assistance to access a range of services that are available to all including services outside of adult social care such as transport, leisure, health and education.
- **Social capital** – through the community and voluntary sector review our aim will be to support local people to make use of all resources available to them in the community, including personal networks (family and friends), community groups, the voluntary sector and other informal support
- **Prevention and early intervention**  
By increasing capacity to deliver “enablement” services such as reablement and assistive technology we aim to support more people to remain as independent as possible thereby delaying or reducing the need for social care services whilst also increasing our effectiveness in supporting hospital discharge and reducing hospital admissions.
- **Choice and control (Personal Budgets)** – For those people who meet the council’s eligibility criteria we will be increasing the choice and control that people have over the services by supporting people to get the most out of their personal budget through effective support planning.

It will be necessary to build all these elements into a revised social care pathway that ensures people are able to access the right support at the right time and only when all alternatives have been explored will it be necessary to provide on-going social services.

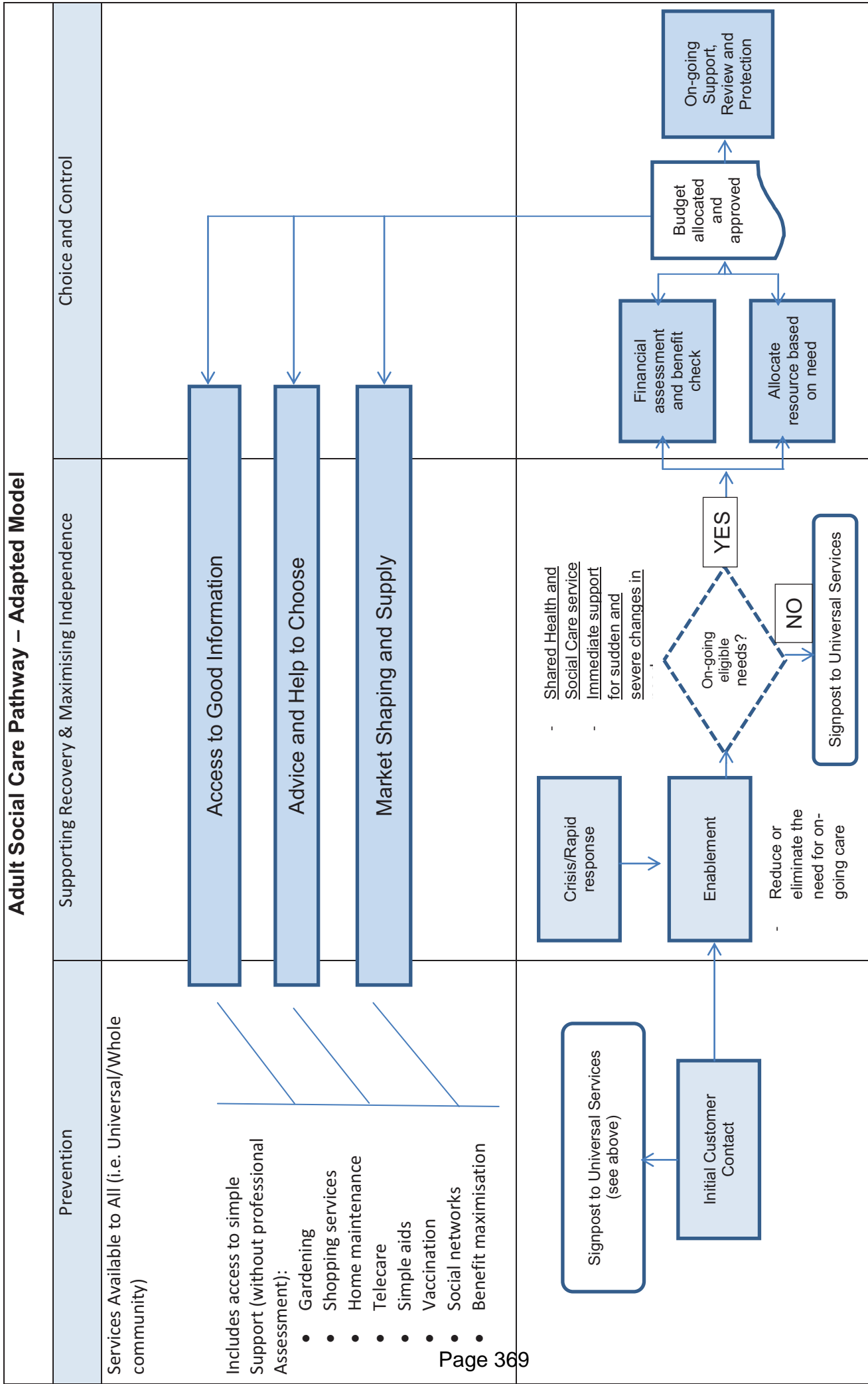
The current social care pathway can lead practitioners to look to traditional, mainstream social care service solutions far too early in the process. The revised approach will ensure that more people are supported through an “enablement” approach, to remain as independent as possible through the provision of enhanced information services and access to short term interventions.

Enablement services have been shown to offer considerable benefits for many people who have been supported to regain skills rather than be 'cared for' in a traditional sense. An intensive period of coordinated 'enabling' support focusing on outcomes and drawing on the expertise of a number of professionals, which might, for example, involve home care staff working in tandem with physiotherapists, occupational therapists and other health professionals, can achieve positive results, both for the person, and for local authorities.

Up until recently reablement has been seen as a single service, usually one directly provided by statutory organisations, for a narrowly defined group of people. But in times of considerable change in society and public services, as well as increased expectations from citizens, we will need to consider the most effective approach. Enablement is increasingly being seen as achieving the twin aims of achieving improved outcomes for individuals and, also, as one of councils' main tools in managing the costs of an ageing population. There is a growing body of evidence about what works and this has been useful in starting to consider the type of enablement model that would best meet our local needs and how to ensure that there is enough capacity to make this type of support service available to many more people. This developing model is described below (*Adult Social Care Pathway – Adapted Model*).



## Adult Social Care Pathway – Adapted Model



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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	12th June 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2570
TITLE:	Policy: Apprenticeships, Work Placements, Work Experience, Internships and Volunteering	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Policy Document Appendix A		
Equalities Impact Assessment Appendix B		

## 1 THE ISSUE

Bath & North East Somerset Council is working extremely hard alongside companies in the private sector and also education establishments, to give people the support they need in order to make the best of the opportunities in the local jobs market.

Encouragingly, the number of people claiming Jobseekers Allowance in Bath and North East Somerset has substantially decreased compared to this time last year. Government figures revealed that the number of claimants in the Bath constituency reduced by 12.1%, whilst in North East Somerset the figure was cut by 11.6%. The UK figure was a decrease of 4.8%.

The percentage of 16 – 18 year olds not in employment, education or training shows Bath and North East Somerset has fallen from 5.1% to 4.6% in the year to March 2013.

Reported crime and the number of young people coming into the youth justice system continues to fall in Bath and North East Somerset, as nationally.

Within Bath & North East Somerset Council we are actively supporting apprenticeships, paid and unpaid placements, work experience, internships and volunteering within individual services and Directorates. In certain areas there is award winning best practice that can influence other services. However, this activity is ad hoc and un-coordinated.

This report therefore proposes that a coordinated approach should be followed by all Council services to ensure that any schemes apply the same broad principles, deliver the Government agenda and assist the Council to deliver an “excellent” programme of apprenticeships, work placements, work experience, internships and volunteering.

## 2 RECOMMENDATION

The Cabinet agrees that:

- 2.1 The Council should seek to maximise its social return on investment in the local community by creating, where possible, apprenticeships, paid and unpaid work placements, work experience, internships and volunteering thus enabling more people to gain access to potential employment opportunities in the private sector and wider labour market.
- 2.2 The Council will develop and launch a consistent programme of opportunities across service units and will ensure more effective co-ordination of the Council's recruitment, induction, training and support for apprenticeships, paid and unpaid work placements, work experience internships and volunteering.
- 2.3 The policy approach set out in Appendix A is endorsed including:
  - the provision of support, advice and help to managers;
  - increasing the number of participants in such schemes;
  - sharing of good practice;
  - the provision of consistent, high quality recruitment, induction, training and support processes; and
  - minimum standards which can be applied to ensure that all services know what is expected of them when recruiting and managing participants
- 2.4 Council services be asked to make a commitment to:
  - identify opportunities for apprenticeships, paid and unpaid work placements, work experience, internships and volunteering as part of the annual work force planning process;
  - undertake an annual survey of activity, to collect data on opportunities offered;
  - re-imburse travel expenses for people undertaking unpaid work placements and work experience through accessing internal support packages; and
  - report regularly to DDG on any issues, successes, concerns.
- 2.5 The Council's Procurement Strategy 2013-17 'Think Local' approved by Cabinet in April 2013 has committed the Council to prioritise Social Value. The Council now follows this policy which must recognise the local economic, environmental and social improvements that can come from each procurement, such as new jobs and apprenticeships.
- 2.6 The Joint Strategic Needs Assessment (2012) highlighted the importance of creating opportunities to increase employability. The Council will prioritise the marketing of opportunities, encourage applications from and provide advice on applying for such schemes to:
  - Care leavers
  - Groups who are most at risk of long term unemployment
  - Those who live in disadvantaged wards
  - Those living in rural areas

### 3 FINANCIAL IMPLICATIONS

- 3.1 There are a number of financial implications arising from the report predominately the impact on individual managers in the time required to supervise and manage these opportunities. In addition, each service area will need to ensure sufficient funds are available to pay for additional expenses ie travel.
- 3.2 These impacts will be outlined in each Service Area's Delivery Plans. All costs will be absorbed within existing budgets. Teams will not be forced to participate in programmes, but will be supported with a suite of best practice guidelines.
- 3.3 As a result of an increase in opportunities offered by the Council, it may also be necessary to delegate a Lead Officer to support Managers in developing their approach building upon the current pockets of best practice. This will be achieved through utilising existing staff.
- 3.4 The implementation of this co-ordinated approach could create potential savings through the reduction of temporary agency staff and the conversion of these to apprenticeships.

### 4 CORPORATE OBJECTIVES

- 4.1 The proposals will have a particular impact on the achievement of the following Council objectives:
  - *Promoting independence and positive lives for everyone*
  - *Building a stronger economy.*
- 4.2 Helping people to renew and/or develop their skills through the provision of high quality apprenticeships, work placements, work experience and volunteering will enable individuals to gain experience which will help them into the labour market. The Council will be investing in its citizens and supporting their ability to become independent and lead positive working lives. A strong local economy needs a skilled workforce and the provision of training opportunities will develop skills which can support economic development within the private sector.

### 5 THE REPORT

Nationally, the government has increased the number of apprenticeships on offer and to provide as many opportunities for unemployed people to gain skills and experience which will improve their employability. The Council is also committed to this agenda because of the benefits associated with such schemes. Since 2010 there have been one million new private sector jobs and there have been over one million new apprenticeship starts. Youth unemployment is reducing as a result of the half a million young people being given opportunities through the Government's £1billion Youth Contract.

In the current difficult economic climate, unemployment amongst certain groups is increasing. Local people need to have the skills to compete effectively in the labour market. The Council has an ageing workforce and needs to renew and develop its skills sets in order to respond to the challenges of reduced budgets and changes in

the ways in which services are run. The workplace transformation programme lends itself to an examination of the role of apprentices, paid and unpaid placements and volunteering. As a procurer and commissioner of services, the Council has a supply chain which already invests in local people. Young people are particularly vulnerable to unemployment at the moment, (especially 18 to 24 year olds); the Council through its policies can provide opportunities for the most vulnerable to gain skills and experiences which will help them into the labour market. Locally there is concern about graduate retention; paid and unpaid placement opportunities can enable local undergraduates to gain experience of local government.

### ***Current Council Initiatives.***

5.1 Within the Council, two Engagement Officers have been recruited to work with the Worklessness Programme Manager to develop a programme of effective engagement with the target client groups. Working with the Government's Work Programme providers and other agencies, the Worklessness Team has developed a flexible "Whole Journey Pathway Management" Programme to provide individual clients with flexible solutions tailored to their needs and requirements.

5.2 Through local delivery of the Government's agenda, the Council has been successful in securing a range of targeted employment & training (TET) outcomes on the Crest Nicholson Bath Western Riverside development. To date 10 apprentices, 10 unemployed skilled trades and a total of 125 up-skilling outcomes have been achieved.

Furthermore, in procuring the City Casino operators licence the Council has negotiated contractually the employment of 70% of the workforce to be B&NES residents and that at least 30% of the workforce will be engaged, trained and employed through a Job Centre Plus pre-employment programme, plus the provision of three apprentices. There are also conditions in the construction phase to ensure that 95% of net new jobs will be B&NES residents and that there will be 10 apprenticeships and 10 employment opportunities for Job Centre Plus clients.

5.3 In delivering the Keynsham Town Hall Regeneration scheme a range of outcomes including 3 x apprenticeships, 4 x Children Leaving Care work experience placements and 7 x JSA client employment opportunities have been achieved. Keynsham remains a particular area of concern and we shall be seeking to target it further when implementing this new policy.

5.4 Through the Council's new value based procurement strategy the Divisional Director for Resources is leading the strategy for the whole Council. The Council will shortly be launching the strategy amongst the private sector where new jobs and apprenticeships are most needed. The key strategy pointers are:

- (1) Economic, Environmental and Social Wellbeing
- (2) Collaboration and Consolidation
- (3) Cost reduction and control
- (4) Knowledge and Skills
- (5) Transparency and Accountability.

The Commissioning and Procurement Framework is the standard process followed by all officers when commissioning goods, works and services for the Council.

- 5.5 The Council supports and provides funding for the B&NES Learning Partnership which brings together education providers and key labour market agencies operating in B&NES. The team also work closely with the skills team in the WoE Local Enterprise Partnership. The focus of this work is to make sure the needs of B&NES residents are met by education and job agency providers as well as being articulated through LEP economic and skills initiatives.
- 5.6 The EEB Team has a Business Engagement Programme through which the opportunities for work placements/apprenticeships/graduate internships can be promoted to local companies.
- 5.7 Project SEARCH is a partnership between the Council, Norton Radstock College and Sirona with community organisations such as Remploy, BOSS Employment and Connexions in supporting roles. The partnership provides internship opportunities for students with developmental disabilities with the hope of them becoming more employable in order to get real paid jobs after completion of the programme.
- 5.8 The Council has begun to record the volunteering activity across individual service areas. There are over 600 volunteers working across the Council in a variety of roles. Some of which are regular commitments for instance heritage services (Roman Baths/Fashion Museum), youth service and libraries. Other roles offer more ad hoc commitment, for instance community litter-pick teams.

### ***Defining the Policy***

- 5.9 This policy supports the Council's vision to "build a stronger economy" with a broad range of job and employment opportunities that recognises the different needs of rural, town and city communities.

This policy directly supports that vision by helping the Council to lead on:

- reducing the number of JSA claimants in the region, overall, but with a specific target of the 18 – 24 age range;
  - increasing the number of private sector apprenticeships offered in B&NES and within the Council; and
  - assisting more people into employment
- 5.10 The Regeneration, Employment and Skills Service undertook a programme of work to research and propose a new Council policy for apprenticeships, work placements, work experience, internships and volunteering.

Research undertaken with 34 managers (including 7 Directors, 1 Strategic Director and 3 Heads of Service) shows that the Council is already providing a range of such schemes all of which make a significant contribution to improving the employability and skills of local people.

There remains scope for the monitoring of involvement by managers, wider coordination, sharing of good practice across Directorates.

- 5.11 Two comments from managers illustrate the key issues:



*“The ad hoc basis of existing arrangement for apprenticeships, paid and unpaid work placements, work experience and volunteering means that we do not know how good we are at it”.*

*“We have had some successes and now is the time to step up a gear”*

5.12 A review of Council Volunteers was undertaken by Human Resources and Policy and Partnerships in 2011 to look at the working practices of volunteers. It highlighted the need for a co-ordinated approach as there were a number of inconsistent practices identified in different service areas, but it also highlighted that volunteering roles continue to offer best value in terms impact on service delivery, adding value to existing service provision and also offer individuals in the community the opportunity to contribute to the delivery of local services, develop their own skills, and support for some to gain access to employment opportunities.

5.13 The Council undertakes partnership working with a variety of agencies and bodies. It regularly liaises with private sector organisations and companies. Through publicising our activities to these organisations we can help extend the range of opportunities available to B&NES residents.

## **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 Equality Impact Assessment (EqIA) has been completed. Adverse impacts were identified and have been justified/mitigated – see appendix B for details.

## **8 RATIONALE**

8.1 Through extensive consultation with service managers, there was overwhelming support for the Council taking a leadership role in the provision of high quality apprenticeships, placements, work experience, internships and volunteering opportunities. There was a clear recognition that a co-ordinated approach would deliver a better and more effective recruitment, selection, deployment and training service for such roles. In addition numbers could be increased through the sharing of processes and good practice.

## **9 OTHER OPTIONS CONSIDERED**

9.1 None.

## **10 CONSULTATION**

10.1 Cabinet members; Trades Unions; Policy Development and Scrutiny Panel; Staff; Other B&NES Services; Service Users were all consulted.

10.2 In addition to the initial research where 30 face to face meetings took place with managers, service directors and cabinet members, over 70 individuals were consulted with / invited to participate in the consultation process. This was carried out through a number of channels including:

- Formal Interview
- Group Presentations
- The Council's online consultation system.

#### 10.3 Consultees included:

- Cabinet Members
- Trades Unions
- Policy Development and Scrutiny Panel
- Staff
- Cross section of B&NES services
- Existing apprentices, work placements and Interns
- Neighbouring Local Authorities
- Section 151 Finance Officer
- Monitoring Officer
- Legal
- Health and Safety
- Head of HR
- HR Team

10.4 Discussions have taken place between the Unions, the authors of the policy and the Head of HR regarding the implementation of the policy. The Unions are in favour of the policy and have been re assured that no paid jobs will be displaced by apprenticeships, work placements, internships or volunteers.

10.5 Consultation has taken place with the Council's Legal Department and recommendation 2.6 regarding targeting the marketing of opportunities to priority groups is compliant with the 1972 Local Government Act.

## 11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Social Inclusion; Sustainability; Human Resources; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations were all considered.

## 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.

<b>Contact person</b>	Paul Gaunt. Employment and Skills Officer. 01225 477394
<b>Sponsoring Cabinet Member</b>	Councillor Stevens
<b>Background papers</b>	Policy Document Appendix A Equalities Impact Assessment Appendix B
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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# Apprenticeships, Work Placements, Work Experience, Internships and Volunteering – Policy

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Version Number:	8.0	Date Issued:	29th May 2013	Review Date:	
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Name and title of originator/lead author:	Paul Gaunt / Duncan Kerr
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Ratified by (include ratification date)	
Audience:	
Date of Equalities Impact Assessment:	August 2012, (revised April 2013)

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# **Apprenticeships, Work Placements, Work Experience, Internships and Volunteering Policy**

## **1. Policy Statement**

“The Council should seek to maximise its social return on investment in the local community by creating apprenticeships, paid and unpaid work placements, work experience, internships and volunteering so enabling more people to gain access to a broad range of employment opportunities in the private sector and wider labour market”

## **2. Context**

This policy statement supports the Council’s vision to “build a stronger economy” with a broad range of job and employment opportunities that recognises the different needs of rural, town and city communities.

This policy directly supports that vision by helping the Council to lead on:

- Reducing the number of JSA claimants in the region, overall, but with a specific target of the 18 – 24 age range
- Increasing the number of private sector apprenticeships offered in B&NES and within the Council
- Assisting more people into employment

The Council has a lead role in the regeneration of the local economy and has a commitment to support an increase in new business start-ups and enterprise. It is also leading a number of development projects, for example a new Council HQ at Keynsham, development of the Somerdale site, Western Riverside and other key areas, and this will give the Council a lead role in creating and developing opportunities to increase the provision of apprentices, paid and unpaid placements and volunteering, through its role as a procurer and commissioner of services (the Council has a supply chain which can be encouraged to invest in local people).

It is acknowledged that there are members of the community who are particularly vulnerable to unemployment and the Council can take the lead in providing opportunities for them to gain skills and experiences which will help them into the labour market.

In addition, there is concern locally about graduate retention and by offering paid and unpaid placement opportunities the Council can enable local Higher Education & Further Education students to gain valuable work experience, so contributing to the retention of talent in the local economy.

The Council undertakes partnership working with a variety of agencies and bodies. It regularly liaises with private sector organisations and companies. Through publicising our activities to these organisations we can help extend the range of opportunities available to B&NES residents.

### **3. Principles**

Apprenticeships, work placements (paid and unpaid), work experience, internships and volunteering provide opportunities for people to improve their skills, qualifications and employability.

Such opportunities enable the local skills base to be improved and local people improve their employability. The Joint Strategic Needs Assessment (2012) highlighted the importance of creating opportunities to increase employability for those not in education, training or employment.

As one of the largest local employers, the Council is in a good position to provide a range of paid and unpaid opportunities, including volunteering. These will assist local people to gain qualifications and experience to enable them to access the wider labour market including jobs in the private, public voluntary and community sectors. These will include:

- Work placements – paid and unpaid – for unemployed local people
- Internships and work experience for both post and under graduates at local universities and students at local colleges
- Apprenticeships across the full range of services, from those aligned to entry level and level 2 qualifications to advanced apprenticeships with professional level training (eg AAT) provided by local colleges
- Volunteering opportunities across a range of services, offering people in the community the chance to get involved in local service delivery within their communities, and to gain important employability skills.

### **4. Research undertaken in 2012**

The research undertaken in 2012 built upon the original work undertaken by the Policy and Partnerships Division regarding volunteers in 2011. There are currently 26 apprentices working in the Council in 2013 three apprenticeships about to be filled and four proposed for next year. In addition a number of paid and unpaid placements are already offered by managers. When these are unpaid they tend to be focussed on project work, but also include people working towards professional qualifications such as social workers.

Project Search has been offering up to 10 supported work experience placements within the Council per year and has supported 26 young people with varying disabilities over the last three years. The Council also has a well-developed approach to offering volunteering opportunities. There has been a lack of a transparent, consistent approach to the recruitment and management of some of these volunteers and there is a requirement to share best practice and make opportunities more widely promoted and co-ordinated.



This research showed that managers believed there were some key business benefits in providing a range of employment opportunities (eg apprenticeships, work experience, internships and volunteering) including the opportunity for existing staff to gain experience in managing and mentoring people taking a first step into employment.

A review of Council Volunteers was undertaken by Human Resources and Policy and Partnerships in 2011 to look at the working in practices of volunteers. The review also highlighted the need for a co-ordinated approach as there were a number of inconsistent practices identified in different service areas. However the review also highlighted that volunteering roles continue to offer best value in terms impact on service delivery, adding value to existing service provision and also offer individuals in the community the opportunity to contribute to the delivery of local services, develop their own skills, and support for some to gain access to employment opportunities.

The Council however has begun to record the volunteering activity across individual service areas:- there are over 600 volunteers working across the Council in a variety of roles. Some of which are regular commitments for instance heritage services (Roman Baths/Fashion Museum), youth service and libraries. Other roles offer more adhoc commitment for instance community litter pick teams.

## **5. Scope**

It is proposed that this approach should be followed by all Council services and that any apprenticeship or work experience scheme should follow the same broad principles.

There is a currently a significant amount of un-coordinated and ad hoc activity supporting apprenticeships, paid and unpaid placements, work experience and volunteering within individual services and Directorates. This policy and manager's guidance will help to develop more opportunities for people to gain valuable skills and experience (more apprentices, placements, volunteering) and higher quality outcomes (a transparent and consistent approach to recruitment, training, support, better sharing of good practice).

## **6. Policy Implementation**

1. The Council will demonstrate its commitment to the delivery of its objectives of 'positive lives for everyone' and 'building a strong economy', through its own good practice in the provision of apprenticeships, work placements, internships, work experience and volunteering.

- 2 The Council will develop and launch a consistent programme of opportunities across service units and will ensure more effective co-ordination of the Council's recruitment, induction, training and support for apprenticeships, paid and unpaid work placements, work experience internships and volunteering.
- 3 This will include:
  - the provision of support, advice and help to managers;
  - increasing the number of participants in such schemes;
  - sharing of good practice;
  - the provision of consistent, high quality recruitment, induction, training and support processes; and
  - minimum standards which can be applied to ensure that all services know what is expected of them when recruiting and managing participants
- 4 Council services will be asked to make a formal commitment to:
  - identify opportunities for apprenticeships, paid and unpaid work placements, work experience, internships and volunteering as part of the annual work force planning process;
  - undertake an annual survey of activity, to collect data on opportunities offered;
  - re-imburse travel expenses for people undertaking unpaid work placements and work experience through accessing internal support packages; and
  - report regularly to DDG on any issues, successes, concerns.
- 5 The Council's Procurement Strategy 2013-17 'Think Local' approved by Cabinet in April 2013 has committed the Council to prioritise Social Value. The council now follows this policy which must recognise the local economic, environmental and social improvements that can come from each procurement, such as new jobs and apprenticeships.
- 6 The Council will prioritise the marketing of opportunities, encourage applications from and provide advice on applying for such schemes to:
  - Care leavers
  - Groups who are most at risk of long term unemployment
  - Those who live in disadvantaged wards
  - Those living in rural areas

## Equality Impact Assessment / Equality Analysis

<b>Title of service or policy</b>	Apprenticeships, Work Placements, Work Experience, Internships and Volunteering
<b>Name of directorate and service</b>	Employability and Skills
<b>Name and role of officers completing the EIA</b>	Duncan Kerr / Paul Gaunt
<b>Date of assessment</b>	30 <sup>th</sup> April 2013

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.	<b>Identify the aims of the policy or service and how it is implemented.</b>	
	<b>Key questions</b>	<b>Answers / Notes</b>
1.1	Briefly describe purpose of the service/policy including <ul style="list-style-type: none"> <li>• How the service/policy is delivered and by whom</li> <li>• If responsibility for its implementation is shared with other departments or organisations</li> <li>• Intended outcomes</li> </ul>	<p>The Council is one of the largest employers in the area. This policy enables the cross-Council implementation of a programme of apprenticeships, paid and unpaid work opportunities for people to gain the skills and experience they need in a difficult economic environment, to increase their chances of employment. It places emphasis on, but is not exclusively focussed towards the young and unemployed. The policy will contribute to enabling the Council to fulfil its duty to allow everyone to reach their potential.</p> <p>Bath &amp; North East Somerset Council employs apprentices in certain service delivery areas. Some Directorates and services are offering a range of paid and unpaid work opportunities. However there are no targets set for the offer of apprenticeships and the numbers on offer are low compared to other councils. Likewise the offer of other paid and unpaid work opportunities varies from service to service.</p> <p>Guidance on the employment of apprentices has been produced by HR, but responsibility for the implementation of targets arising from this policy, would be shared by all Directorates, as would policies on other paid and unpaid work opportunities.</p>
1.2	Provide brief details of the scope of the policy or service being reviewed, for	<p>This is a new policy and guidance has been produced by HR to support it.</p> <p>Nationally, the government wishes to increase the number of apprenticeships on offer and to</p>

	<p>example:</p> <ul style="list-style-type: none"> <li>• Is it a new service/policy or review of an existing one?</li> <li>• Is it a national requirement?.</li> <li>• How much room for review is there?</li> </ul>	<p>provide as many opportunities for young unemployed people to gain skills and experience which will improve their employability.</p> <p>This policy will:</p> <ul style="list-style-type: none"> <li>• Create more opportunities within the Council for apprenticeships.</li> <li>• Create further opportunities within the Council for paid work experience including internships and post graduate work placements.</li> <li>• Create wider opportunities within the Council for unpaid work experience including those on Jobcentre Plus programmes, school and college work experience.</li> <li>• Link into the Council's volunteering policy.</li> <li>• Target recruitment efforts to wards and to groups where it will derive maximum socio economic benefit.</li> <li>• Contribute to the reduction in NEET figures</li> <li>• Produce a system whereby targets could be negotiated, agreed and monitored for the provision of apprenticeships and paid and unpaid work opportunities</li> <li>• Provide a cross- Council approach and policy and deliver clear guidance to Service Directors and Managers regarding the approach to paid and unpaid work opportunities and apprenticeships.</li> </ul>
<b>1.3</b>	<p>Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>This policy links to the Council's vision of an area 'where everyone fulfils their potential' and the objective of 'promoting independence and positive lives for everyone', through helping people improve their skills and experience in order to gain sustainable employment. It fits the values of 'an enabling Council that makes things happen', through actively delivering opportunities for young people and 'an organisation that encourages continuous learning and improvement', through the provision of training via apprenticeships and paid and unpaid work opportunities</p> <p>There is a potential conflict with the Council's Change Programme which delivers financial efficiencies to reduce budgets and staffing as part of the pressure on public sector finances. This can be mitigated by the need to produce a more age-balanced workforce, the requirement to reduce the level of NEETs, (not in employment, education or training), within the area and by the Council's duty to address worklessness.</p>

## 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?	<p>The policy is a cross-Council initiative led by the Employability and Skills service within Regeneration, Employment and Skills with a project team overseeing the policy development drawn from a number of teams within the Council. This includes representation from Human Resources, Policy and Partnerships, Economic Development and an independent consultant.</p> <p>This project team comprises 13 members drawn from multiple services across the Council of which:</p> <ul style="list-style-type: none"> <li>● 5 are male and 7 are female</li> <li>● 1 member is BME</li> <li>● There are no members of the team with a disability</li> </ul>
2.2	What equalities training has staff received?	The team developing the policy has direct support from the Council's Equality and Diversity Officer, providing equalities expertise.

		The Employability and Skills service, (policy lead), has undertaken a number of Corporate Equalities training days however refresher training needs to be scheduled in with the E&D team as this happened before October 2010.
<b>2.3</b>	What is the equalities profile of service users?	<p>The equalities profile of the local authority area is located on the 2011 Census Data website and can be found at <a href="http://tinyurl.com/clvfnl4">http://tinyurl.com/clvfnl4</a></p> <p>The Joint Strategic Needs Assessment and Equalities mapping can be accessed using the following link:-  <a href="http://www.bathnes.gov.uk/services/your-council-and-democracy/local-research-and-statistics/research-library">http://www.bathnes.gov.uk/services/your-council-and-democracy/local-research-and-statistics/research-library</a></p>
<b>2.4</b>	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>In 2012 18 people started apprenticeships and 28 undertaking their studies. There were 4 paid student work placements, (interns) for the period and substantial work experience / placement programmes in Parks, Heritage and Property Services. It is not known how many other paid or unpaid work opportunities are being delivered in other services within the Council. Neighbouring councils have policies which set targets for apprenticeships. The introduction of a policy would enable B&amp;NES to do the meet the requirements of the Social Value Act.</p> <p>In June 2012 an EIA was created for volunteering within the Council. "Council Volunteers - Policies and Practices – Review" can be found at...  <a href="http://www.bathnes.gov.uk/sites/default/files/siteimages/council_volunteers_-_review.doc">http://www.bathnes.gov.uk/sites/default/files/siteimages/council_volunteers_-_review.doc</a></p> <p>As the policy is developed, further gaps in data may be identified. In this case, actions (Section 4) will be created to incorporate the additional research into this EIA.</p>
<b>2.5</b>	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	<p>The unions are being consulted and are supportive of the Council providing meaningful opportunities for young people to improve their employability and to gain real jobs.</p> <p>Unison is also mindful of the age profile of the Council's work force and the need to promote work in local government to young people.</p>



		Further consultation with groups is planned as part of the policy development process, (see Actions).
<b>2.6</b>	If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	<p>Consultation will take place with apprentices and those undertaking paid and unpaid work opportunities in order to improve their experience and to ensure that young people are equipped with the necessary skills to gain sustainable employment.</p> <p>Consultation will also take place with service managers to research policy, agree potential targets and the processes.</p> <p>Additional research will be undertaken with the School Exclusion Officers, Workers Challenge Group and the delivery staff of Project Search prior to the policy being submitted to Cabinet, (see Actions)</p>

<b>3. Assessment of impact: 'Equality analysis'</b>			
	<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"> <li>• Meets any particular needs of equalities groups or helps promote equality in some way.</li> <li>• Could have a negative or adverse impact for any of the equalities groups</li> </ul>		
		<b>Examples of what the service has done to promote equality</b>	<b>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</b>
<b>3.1</b>	<b>Gender</b> – identify the impact/potential impact of the policy on women and men. (Are there any issues regarding pregnancy and maternity?)	This is a new policy, there are currently no specific examples however all members of staff, (as well as those who are on work placement opportunities have undergone the full corporate induction programme and understand how to promote equality through the decisions they make.	Directorates will be asked to include gender in their targets for apprentices and work opportunities. This will be monitored as part of the target monitoring processes. Six out of the current 20 apprentices are female. Issues regarding pregnancy and maternity are addressed in the Council's mainstream HR policies.
<b>3.2</b>	<b>Disability</b> - 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 service currently supports 'Project Search' which offers internships to those with learning difficulties/disabilities. Project SEARCH is a programme that aims to assist young people aged 16 – 24 with learning difficulties into work. We team employers up with college/special school and supported employment provider to run a year-long course that provides a mixture of work placements and classroom learning within the work place.	As part of the monitoring of the policy and its targets, Directorates will report on their recruitment and selection process for employing apprentices and those on paid and unpaid work opportunities. The participation of disabled people will be monitored and encouraged through a wide range of channels.  We shall also work with Project Search to secure at least one "intern" work experience position within the Council on a rolling basis.

		Project SEARCH is dedicated to providing education and training to young adults with intellectual and developmental disabilities through an innovative workforce and career development model that benefits the individual, workplace and community. The primary goal is to secure competitive employment outcomes for each of the student graduates.	
3.3	<b>Age</b> – identify the impact/potential impact of the policy on different age groups	<p>We recognise the need to identify the impact of the policy upon different age groups and are consulting widely with representative groups. The service further recognises the needs of both young people and the over 50s and has developed specific strategies to meet these needs. The Economic Strategy can be located..</p> <p><a href="http://www.bathnes.gov.uk/services/business/economic-enterprise-and-business-development/economic-intelligence">http://www.bathnes.gov.uk/services/business/economic-enterprise-and-business-development/economic-intelligence</a></p> <p>The Community Strategy can be located ..</p> <p><a href="http://www.bathnes.gov.uk/services/your-council-and-democracy/policies-and-plans/sustainable-community-strategy">http://www.bathnes.gov.uk/services/your-council-and-democracy/policies-and-plans/sustainable-community-strategy</a></p>	This policy will specifically target young people on the basis that they are some of the most vulnerable in the labour market. This is positive action by the Council. The research will consult with a wide variety of parties including representatives from Looked After Children, existing apprentices and the Youth Service.
3.4	<b>Race</b> – identify the impact/potential impact on different black and minority ethnic groups	This is a new policy, there are currently no specific examples however all members of staff, (as well as those who are on work placement opportunities have undergone the full corporate induction programme and understand how to promote equality through the decisions they make.	As part of the monitoring of the policy and its targets, Directorates will report on their recruitment and selection process for employing apprentices and those on paid and unpaid work opportunities. The participation of BME groups will be monitored and encouraged.

<p><b>3.6</b></p> <p><b>&amp;</b></p> <p><b>3.7</b></p>	<p><b>Sexual orientation -</b> identify the impact/potential impact of the policy on lesbians, gay, bisexual &amp; heterosexual people</p> <p><b>Religion/belief –</b> identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.</p> <p><b>Transgender – –</b> identify the impact/potential impact of the policy on transgender people</p>	<p>As 3.1</p>	<p>All apprentices and those on paid and unpaid work opportunities will have an induction which will explain Council policies on equalities including the importance of recognising and knowing how to respond to potential bullying and harassment for those with protected characteristics.</p>
<p><b>3.8</b></p>	<p><b>Socio-economically disadvantaged –</b> identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances</p>	<p>as 3.1</p>	<p>This policy will target NEETs, (those not in employment, education or training), Care Leavers and young people in B&amp;NES. It will provide access to a range of opportunities which will improve their educational attainment and employability skills. It will help them to improve their life chances through sustainable employment.</p> <p>Through working with a range of partners, (Jobcentre plus, Serona etc) we will be able to</p>

			target advertising of apprenticeship and work placement opportunities in those Council wards which are deemed to be socio – economically disadvantaged.
<b>3.9</b>	<b>Rural communities</b> – identify the impact / potential impact on people living in rural communities	The service has a range of strategies to support rural communities to improve access to employment opportunities. Hyperlinks to the range of strategies here?	<p>Directorates will be asked to consider the provision of extended support to enable young people from rural areas to participate in the apprenticeships and paid and unpaid work opportunities on offer. This may include transport subsidies, lift share or a “Wheels to Work” programme.</p> <p>Additionally we shall work across the Council’s services to ensure that placements / apprenticeships are offered within rural communities.</p>

#### **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.

<b>Issues identified</b>	<b>Actions required</b>	<b>Progress milestones</b>	<b>Officer responsible</b>	<b>By when</b>
Consultation with service users.	Regular consultation with those on apprenticeships, paid and unpaid work opportunities.	<ul style="list-style-type: none"> <li>• Production of supporting materials for Line Managers and mentors</li> <li>• On-going consultation and monitoring.</li> </ul>	PG	Jun 13
Equalities awareness	Standard induction process for all apprentices and people on	<ul style="list-style-type: none"> <li>• Design and development of induction programme for</li> </ul>	JV	Aug 13

	paid and unpaid work opportunities to ensure awareness of equalities issues	apprentices and people on paid and unpaid work opportunities.		
Participation of those with protected characteristics measurement of success	<p>Development of a framework to measure the impact of the policy upon groups with protected characteristics.</p> <p>Inclusion of monitoring of participation in the target setting with Directorates/services.</p>	<ul style="list-style-type: none"> <li>Development of measurement framework.</li> <li>On-going monitoring of policy and process in conjunction with HR team.</li> </ul>	PG	Sep 13
Participation of those from rural communities.	Development of further policies approaches to enabling participation from young people in rural areas on apprenticeships, paid and unpaid work opportunities.	<ul style="list-style-type: none"> <li>Exploration of encouraging participation from those people who live in rural areas through offering incentives such as a subsidised bicycle / moped scheme, driving lessons and public transport bursaries.</li> </ul>	PG	May 13
Equalities Refresher Training	Members of the Employment and Skills Team require further E&D training as last sessions took place before October 2010	<ul style="list-style-type: none"> <li>Completion of Equalities training.</li> </ul>	PG / SJ	Jun 13
Gaps in data	Regular review of EIA as policy is developed to ensure that there are no gaps on data.	<ul style="list-style-type: none"> <li>Data gaps plugged.</li> </ul>	PG	Jun 13
Further consultation with stakeholders.	Further consultation required with School Exclusion Officers, Workers Challenge Group, the Equalities Steering Group and	<ul style="list-style-type: none"> <li>Completed consultation.</li> </ul>	PG	March 13

	the delivery staff of Project Search prior to the policy being submitted to Cabinet			
Existing volumes participating in work placement and volunteering within the Council.	Ascertain the numbers currently participating in work placements and volunteering opportunities within the Council and their E&D breakdown	<ul style="list-style-type: none"> <li>Produce profile of existing people on work placements and volunteering within the Council.</li> </ul>	SD	May 13

## 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](mailto: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:**



Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	12 June 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2572
TITLE:	Children's Services Capital Programme Priorities 2013-14	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

## **1 THE ISSUE**

- 1.1 Approval requested for inclusion in the 2013-2014 education capital programme of two capital schemes for extra pupil accommodation at two B&NES primary schools.

## **2 RECOMMENDATION**

The Cabinet agrees that:

- 2.1 The projects put forward for approval are in line with Children's Services capital programme priorities.
- 2.2 Capital allocations are approved for inclusion in the Capital Programme 2013/14 for projects at the following schools:
- 2.3 St Saviours Junior School, Bath - £1.85m for extra pupil places and replacement of poor condition temporary buildings
- 2.4 Moorlands Federated Schools - £70k for conversion of IT space to provide extra pupil places.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 Allocations from the Department for Education (DfE) are made under the two main funding headings of Basic Need to provide additional pupil places where there is population growth, and Capital Maintenance to address condition issues at B&NES schools. The Council also receives capital in the form of developer contributions to provide, expand or enhance school places where there is insufficient capacity, and is either linked to a specific school or planning area.
- 3.2 Basic Need is £1.321m for both 2013-14 and 2014-15 making £2.642m in total. Priorities have already been earmarked against this funding in line with the projected growth in pupil numbers including the two schemes being submitted for cabinet approval.
- 3.3 Capital Maintenance funding for 2013-14 is £2.016m, a reduction of £387k from the previous year reflecting the number of schools which have converted to Academies. Maintenance Grant will be required to fund support basic need projects in 2013/14 and 2014/15. There is carry forward of £1.347m from 2012/13 making a total of £3.363m. £1m has been earmarked for the 2014/15 Schools Planned Maintenance Programme leaving £2.363m available for allocation primarily against Basic Need projects for 2013/14 and 2014/15.
- 3.4 Developer contribution of £66,156.10 has been secured for provision, expansion or enhancement of primary school places in area of south Bath and this will contribute to the project at Moorlands schools.
- 3.5 Projects recommended for approval in this report total £1.885m to be funded from Basic Need 2013-14, Capital Maintenance carry forward of 2012-13 and part 2013-14, and developer contribution.
- 3.6 The DfE capital allocations are non ring-fenced grant funding to enable the Council to fulfil its statutory duties in ensuring sufficient school places and addressing worst condition buildings. There is no borrowing requirement for the Council.
- 3.7 There are no revenue implications for the Council arising from the expansion of schools as these will be met by the Dedicated Schools Grant (DSG). The provision of sufficient school places to meet local need removes the potential council revenue liability to fund transport.

### **4 CORPORATE OBJECTIVES**

- 4.1 Projects within the Children's Services capital programme provide modern facilities and/or improve existing ones and provide pupil places to meet demand. This leads to a better learning and teaching environment and enables parents and pupils to obtain a place at a local school. This contributes to the corporate priorities of promoting independence and positive lives for everyone and creating neighbourhoods where people are proud to live.

### **5 THE REPORT**

The Council has a statutory duty to provide sufficient school places for every child resident in the Local Authority who requires a place. It also prioritises investment in schools to improve poor condition accommodation via the annual capital repair and

maintenance programme as well as individual projects. The projects requested for approval are in line with these priorities.

- 5.1 The Basic Need capital project at St Saviour's Junior is to provide extra accommodation to meet projected growth in pupil numbers (these children are already attending St Saviours Infant which was expanded in 2011 and will transfer to the Junior School in September 2014). Cabinet approved funding for a feasibility study for this expansion in December 2012 and the outcome now informs the cost and scope of the scheme. The site is very constrained, on differing levels with difficult access. The school estate is an ad hoc mixture of temporary and permanent buildings including two elderly and poor condition temporary buildings aged 70 years and 45 years respectively which hinder future site development. These two buildings providing dining, kitchen and classrooms are the worst condition at the school and its planned to remove and replace in line with capital strategic planning to reduce capital maintenance liabilities as part of a capital project. Their accommodation will be replaced in an extension to the main administration building comprising classrooms, kitchen, hall improvements, hard and soft play and landscaped areas. The projected budget cost for both replacement and new accommodation is £1.815m funded from both Basic Need and Maintenance capital grant. Capital Strategy Group has approved the budget allocation.

A Basic Need scheme at Moorlands Federated Schools to convert the existing IT suite in the junior block to a classroom and replace fixed IT with mobile provision was planned for September 2014 for the class currently at the Infant School (2011). However the school has requested the scheme be carried out in the summer holidays 2013 to coordinate with other planned school and Capital Maintenance work. This would reduce disruption and workload for the school, be more cost effective and also give the staff and pupils the opportunity to familiarise and benefit from the alternative IT provision. The estimated budget is £70k (includes a further £10k contingency as the IT need has yet to be detailed) and will be taken to Capital Strategy Group on 11<sup>th</sup> June 2013.

## **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 Equality Impact Assessment (EqIA) has been completed. No adverse impacts were identified.

## **8 RATIONALE**

- 8.1 The council has a statutory duty to ensure sufficiency of pupil places to meet demand. Both these schemes are required to meet existing pupils who will be transferring from the feeder infant school.

## **9 OTHER OPTIONS CONSIDERED**

- 9.1 The need is school specific and the proposals represent the best use of capital funding and outcomes for the schools.

## 10 CONSULTATION

10.1 *Cabinet members; Other B&NES Services;151 Finance Officer; Monitoring Officer*

10.2 Discussion with Cabinet Member and briefing of Cabinet and drafts of the report have been circulated to the Cabinet Member and officers.

## 11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Social Inclusion; Sustainability; Property; Young People; Corporate; Health & Safety; 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.

<b>Contact person</b>	Fiona Randle, 01225 395151
<b>Sponsoring Cabinet Member</b>	Councillor Dine Romero
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	

Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	12 June 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2563
TITLE:	Bid for designation as a Better Bus Area	
WARDS:	Bathavon North, Bathavon West, Clutton, Lambridge, Lyncombe, Odd Down, Publow & Whitchurch, Twerton, Walcot, Westmoreland, Widcombe	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Table of outline proposals		

## **1 THE ISSUE**

1.1 A joint bid to the Department for Transport by the West of England Partnership authorities for designation of a network of key bus service corridors as a Better Bus Area.

1.2 The government's aim for the funding is for it to be used to increase bus patronage in busy urban areas, in support of creating growth and cutting carbon emissions.

## **2 RECOMMENDATION**

The Cabinet agrees that:

2.1 A bid should be submitted to the Department for Transport for designation of a network of key bus service corridors in Bath & North East Somerset as part of a Better Bus Area in conjunction with other West of England Partnership authorities and local bus operators.

2.2 The Divisional Director for Planning & Transport Development, in consultation with the Cabinet Member for Transport, be given authority to approve the final details of the bid.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 It is estimated that, if successful, the bid will involve the devolution of a total of £220k over four years and the top-up funding over the same period will be £88k, making a total of £308k. This will be used to deliver specific projects identified in the bid.
- 3.2 There will be no additional capital or revenue funding requirement on the Council to deliver these projects.

### **4 CORPORATE OBJECTIVES**

- 4.1 If successful, these proposals will help build a stronger economy and create neighbourhoods where people are proud to live by attracting new passengers to buses from cars, reducing waiting times for buses, reducing bus journey times and reducing overall net carbon emissions.

### **5 THE REPORT**

- 5.1 The Department for Transport has invited Local Transport Authorities (LTAs) to bid, either individually or jointly, for designation as a Better Bus Area (BBA) where they can show that they have a clear plan for improving bus services in the area that is being developed locally in partnership with bus companies. Bids must be submitted by 21 June 2013.
- 5.2 In designated BBAs, the government will calculate how much Bus Service Operators' Grant (BSOG) would be payable each year to all bus operators in respect of commercial bus services and transfer it incrementally to the LTAs over four years. In addition, every designated BBA will receive "top-up" funding equivalent to 20% of the total value of BSOG for commercial services in the BBA.
- 5.3 BBA bids must:
- demonstrate good value for money,
  - have a better Cost Benefit Ratio than the current BSOG payment arrangements,
  - be carbon neutral or better so that, for example, additional bus mileage is balanced by fewer car journeys,
  - not involve a direct subsidy to operators except for *de minimis* payments to offset the loss of BSOG on very minor services,
  - not include funding for marketing or advertising.
- 5.4 Guidance published by government suggests that LTAs should use the BBA funding on better enforcement of bus priority measures, improvements to street infrastructure, additional bus priority measures, improvements to traffic management, demand management, network redesign and improvements to passenger information and ticketing.
- 5.5 In respect of Bath, the proposed bid covers three corridors:
- (i) London Road (A4) between Cleveland Place and Stambridge;
  - (ii) Lower Bristol Road (A36) between Lower Oldfield Park and Mill Lane (Twerton);

- (iii) Wellsway (A367) between Lower Bristol Road and the Odd Down Park & Ride site

- 5.6 In addition, it is proposed that the A37 corridor between the boundary with Bristol and Chelwood Roundabout should form part of one of the proposed BBA radial corridors from Bristol City Centre.
- 5.7 The funding likely to be available will enable much better enforcement of existing bus priority measures and parking restrictions to be carried out, together with some small-scale improvements to bus priorities. Bus operators have given qualified support for a bid along these lines. A “long list” of measures drawn up after consultation with operators is at Appendix 1 but there will be insufficient BBA funding to deliver all the schemes listed. The final bid will comprise measures drawn from this list to match the funding available.
- 5.8 If the bid is successful, a Partnership Board will be created to deliver the scheme and it will consist of representatives of the bus operators and the LTAs.
- 5.9 In the event that specific projects prove to be undeliverable owing to insufficient funding, the Partnership Board will consider alternative projects in the BBA to best meet the scheme objectives.

## **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 not been completed at this stage because the final bid will include consideration of the impact of the plans on persons who share a relevant protected characteristic.

## **8 RATIONALE**

- 8.1 This is an opportunity to build on the impressive track record of the West of England Partnership authorities in obtaining funding from government for transport improvements. In recent years, successful bids have been submitted for the Greater Bristol Bus Network, Bath Transportation Package, Local Sustainable Transport Fund, Better Bus Area Fund (2012) and Green Bus Fund.
- 8.2 The future of BSOG beyond the next government spending round in 2015 is uncertain. BSOG was reduced by 20% in April 2012 and there is a widespread view within the bus industry that it may not survive in its present form, if at all. If the opportunity to bid for BBA designation is not taken, there is a chance that the money currently paid by government through BSOG to support bus services will be lost to the industry. In that event, operators may seek to replace that portion of their income by increasing fares or reducing costs through withdrawal of weaker services. Some small operators may withdraw from the market altogether.
- 8.3 In a BBA, the effect of the devolution of funding will be to re-direct it away from a direct subsidy to bus operators into provision of measures that will increase bus ridership and/or reduce operating costs. This is a more sustainable way of using



that funding and the BBA designation will draw in additional funding in the form of the top-up payments.

- 8.4 The Council has developed very good partnership working with local bus operators and this is an opportunity to develop that relationship further.

## **9 OTHER OPTIONS CONSIDERED**

- 9.1 A bid based on a geographical area, such as the Bath urban area or the whole West of England Partnership area, was considered but not supported by bus operators.

## **10 CONSULTATION**

- 10.1 Consultation has been carried out electronically with the Section 151 Finance Officer and the Monitoring Officer.
- 10.2 Consultation has been carried out with local bus operators, including a meeting of Bath operators with the Bus Expert Improvement Panel on 26 February 2013 and a workshop for all West of England operators on 8 April 2013. Operators gave qualified support for a bid comprising specific route corridors.

## **11 ISSUES TO CONSIDER IN REACHING THE DECISION**

- 11.1 Social Inclusion; 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.

<b>Contact person</b>	Andy Strong, Public Transport Team Leader, 01225 394201
<b>Sponsoring Cabinet Member</b>	Councillor Caroline Roberts
<b>Background papers</b>	Guidance on applying for designation as a Better Bus Area (Department for Transport, February 2013)
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## APPENDIX 1

### WEST OF ENGLAND PARTNERSHIP - BETTER BUS AREA BID 2013

#### “LONG LIST” PROPOSALS FOR BATH CORRIDORS

This list has been drawn up following consultation with bus operators. There will be insufficient BBA funding to deliver all these schemes and their presence on this list does not imply any commitment on the part of the Council to deliver them.

Area covered	Operators and commercial services likely to be affected	Scheme type	Description	Approximate cost		Comments
				Capital	Revenue per annum	
London Road (A4), Bath between Cleveland Place and Stambridge	Faresaver 228, 232, X31, X72; First 13, 231, 232, 271, 272; Nat Express 300, 302, 403, 404	Bus priority	Design scheme to reallocate road space to provide inbound bus lane between A4/A46 roundabout and Gloucester Road	£30k	-	Outbound traffic would be channelled into one lane to enable two inbound lanes to be provided.
		Traffic management	Install camera to enforce existing bus lane and carry out targeted enforcement.	£50k	£10k	
		Traffic management	Review parking and delivery restrictions	£10k	-	
		Bus priority	Extension of inbound bus lane in London Road from eastern end of scheme above onto A4 Batheaston by-pass	£1.3m	-	Would involve land acquisition. Will be needed if new Eastern P&R located on Batheaston by-pass.
	<b>TOTALS FOR THIS CORRIDOR</b>			<b>£1.39m</b>	<b>£10k</b>	

Lower Bristol Road (A36), Bath between Mill Lane, (Twerton) and Lower Oldfield Park	Abus A7; First 5, 15, 18 Nat. Express 404; Wessex U18, X18	Bus priority	Development of software to utilise RTI data to identify priority sites for new measures	£30k	-	May be possible to use s106 funding from BWR to deliver any scheme.
		Infrastructure	Layby for northbound bus stop in Windsor Bridge Road to reduce tailbacks onto A36 junction when buses loading	£40k	-	May be possible to use s106 funding from BWR to top-up if necessary.
		Traffic management	Signalisation of Mill Lane junction with Lower Bristol Road (A36)	£200k	-	
		Traffic management	Signalisation of Lower Oldfield Park junction with Lower Bristol Road (A36)	£250k	-	
		Traffic management	Carry out targeted enforcement.	-	£10k	
		Traffic management	Review parking and delivery restrictions	£10k	-	
		Bus priority	Lower Bristol Road (A36) inbound bus lane	£2.3m	-	Involves land acquisition.
	<b>TOTALS FOR THIS CORRIDOR</b>			<b>£2.83m</b>	<b>£10k</b>	
Wellsway (A367), Bath between A36 roundabout and Odd Down P&R site roundabout	Buglers 9; Faresaver 267; First 13, 14, 173, 178, 179, 184; Nat Express 403; North Somerset 191; Somerbus 175	Bus priority	Wellsway (A367) outbound bus lane across junction with Midford Road (B3110)	£40k	-	Could be added to funded work to build cycle lane.
		Bus priority	Amend signage at A3062 junction to allow buses to use nearside line when going straight ahead	£5k	-	Would allow extend bus priority from end of existing bus lane onto roundabout.
		Parking controls	Limited parking restrictions on A367 between Red Lion roundabout (A3062) and Park & Ride site roundabout	£7k	-	To regularise unrestricted parking and improve access for bus and Park & Ride services
		Traffic management	Install camera to enforce existing bus lane and carry out targeted enforcement.	£50k	£10k	Makes use of de-criminalised enforcement powers.
	<b>TOTALS FOR THIS CORRIDOR</b>			<b>£102k</b>	<b>£10k</b>	



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