

Public Document Pack

Overview and Scrutiny Management Committee

Thursday, 14th April, 2016
at 5.30 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Fitzhenry (Chair)
Councillor Fuller
Councillor Furnell
Councillor Galton
Councillor Hannides
Councillor Jordan
Councillor Keogh
Councillor Morrell
Councillor Moulton (Vice-Chair)
Councillor Whitbread

Appointed Members

Mrs U Topp, (Roman Catholic Church)
Revd. J Williams, The Church of England
(Portsmouth and Winchester Dioceses)
Vacancies

- Primary Parent Governor Representative;
and
- Secondary Parent Governor Representative

Contacts

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Scrutiny Manager
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PUBLIC INFORMATION

Overview and Scrutiny Management Committee

The Overview and Scrutiny Management Committee holds the Executive to account, exercises the call-in process, and sets and monitors standards for scrutiny. It formulates a programme of scrutiny inquiries and appoints Scrutiny Panels to undertake them. Members of the Executive cannot serve on this Committee.

Role of Overview and Scrutiny

Overview and Scrutiny includes the following three functions:

- Holding the Executive to account by questioning and evaluating the Executive's actions, both before and after decisions taken.
- Developing and reviewing Council policies, including the Policy Framework and Budget Strategy.
- Making reports and recommendations on any aspect of Council business and other matters that affect the City and its citizens.

Overview and Scrutiny can ask the Executive to reconsider a decision, but they do not have the power to change the decision themselves.

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Southampton City Council's Priorities:

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Smoking Policy:- The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Fire Procedure:-

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2015/16

2015	2016
11 June	14 January
9 July	4 February
13 August	10 March
10 September	14 April
15 October	
12 November	
10 December	

CONDUCT OF MEETING

TERMS OF REFERENCE

The general role and terms of reference for the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules and the Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are now available online via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 DECLARATIONS OF SCRUTINY INTEREST

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

4 DECLARATION OF PARTY POLITICAL WHIP

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

5 STATEMENT FROM THE CHAIR

6 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meetings held on 10 March 2016 and to deal with any matters arising, attached.

7 CONSIDERATION OF PETITION (Pages 3 - 8)

Report of the Service Director, Legal and Governance seeking approval for the proposed response to the petition "Help the Peddlers of Southampton", attached.

8 FORWARD PLAN (Pages 9 - 14)

Report of the Service Director, Legal and Governance detailing items requested for discussion from the current Forward Plan, attached.

- a) Houses of Multiple Occupation Supplementary Planning Document

Briefing paper of Senior Planning Policy Officer as part of the Committee's consideration of the Forward Plan item, Houses of Multiple Occupation Supplementary Planning Document, attached.

9 MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE

(Pages 15 - 20)

Report of the Head of Legal and Democratic Services detailing the actions of the Executive and monitoring progress of the recommendations of the Committee, attached.

Wednesday, 6 April 2016

Service Director, Legal and Governance

SOUTHAMPTON CITY COUNCIL
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
MINUTES OF THE MEETING HELD ON 10 MARCH 2016

Present: Councillors Fitzhenry (Chair), Furnell, Galton, Hannides, Jordan, Keogh, Morrell, Moulton (Vice-Chair) and Whitbread (Except Minute 50)

Apologies: Councillor Fuller

Also in attendance: Cabinet Member for Housing and Sustainability

50. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 4 February 2016 be approved and signed as a correct record.

51. **IMPROVING FIRE SAFETY IN THE COUNCIL'S HIGH RISE ACCOMMODATION**

The Committee considered the report of the Cabinet Member for Housing and Sustainability providing the Panel with an update on the steps taken implementing the agreed actions for improving fire safety in the Council owned high rise accommodation.

RESOLVED:

- (i) that the Committee be provided with details of the scale of the rewiring works to install fire resistant cable supports in the City's tower blocks;
- (ii) that the Cabinet Member investigate the benefits of carrying out a private sector housing condition survey; and
- (iii) that the Cabinet Member work with the Tenants Resource Group to consider fire safety issues and develop proposals to minimise the risk of a fire.

52. **COUNCIL PERFORMANCE 2015/16 - QUARTER 3**

The Committee considered the report of the Leader detailing the Council's performance in Quarter 3 of the 2015-2016 municipal year.

RESOLVED:

- (i) that officers consider the following comments relating to how the performance figures and supporting information be presented in the future:
 - (a) changing the way the variance figures were calculated. It was felt that where the actual and target figures were expressed in percentages the variance figure, also expressed as a percentage was misleading;
 - (b) that an explanation be provided with the figures regarding the direction of travel to enable greater understanding.
- (ii) that the Chief Executive or Chief Strategy Officer be present at future meetings where the Council's performance would be considered.

53. **MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE**

The Committee considered the report of the Service Director, Legal and Governance detailing the actions of the Executive and monitoring progress of the recommendations of the Committee.

RESOLVED

- (i) that in relation to the response to the Townhill Park Regeneration Phase 1 recommendations from the meeting on 4 February that:
- Clarification be sought regarding whether the pilot scheme at Woodside Lodge / Wimpson Lane was part of the Estate Regeneration Programme (Recommendation 3);
 - that details of any responses be provided to the OSMC from the five partner Housing Associations in relation to whether there was any interest in them being involved in the development of Townhill Park Phase one.
- (ii) that a response on recommendation 1. on Air Quality be provided.

DECISION-MAKER:		OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE	
SUBJECT:		CONSIDERATION OF PETITION	
DATE OF DECISION:		14 APRIL 2016	
REPORT OF:		SERVICE DIRECTOR - LEGAL AND GOVERNANCE	
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk	
Director	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>Under the Council’s Petition Scheme set out in Council procedure rules and Part 11 of the Constitution petitions containing a minimum of 750 but less than 1500 signatures will be referred to a public meeting of the Overview and Scrutiny Management Committee in the first instance.</p> <p>This report details the receipt of a petition that has reached this threshold and seeks to detail the Council response.</p>			
RECOMMENDATIONS:			
	(i)	That the Committee consider the response provided in relation to the petition, attached as Appendix 1.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	The Council’s Constitution states that petitions containing a minimum of 750 but less than 1500 signatures will be referred to a public meeting of the Overview and Scrutiny Management Committee.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None.		
DETAIL (Including consultation carried out)			
3.	<p>The Council has received a petition titled ‘Help the Peddlers of Southampton’. The petition states:</p> <p><i>“We the undersigned petition the council to remove The City of Southampton (Above Bar Precinct) (Control of Sales) Order 2013 made under S.7 Local Government (Miscellaneous Provisions) Act 1976, so the peddlers of Southampton can carry on running their small independent business on the precinct as they have been doing so for years.”</i></p>		
4.	<p>The petition provides the following justification for this statement:</p> <p><i>“For the past couple of years the peddlers of Southampton have been fighting to keep their businesses up and running since this new act has been put in place. We are small independent businesses that have been on the high-street for many years now and have become part of Southampton. We all have worked very hard to build our businesses up and to become well</i></p>		

	<p><i>established in the city.</i></p> <p><i>Our licences are issued from the Government and we understand the Council do not make money from our licences but we have offered to work with the Council on many occasions but the Council never made that an option.</i></p> <p><i>The Council claim that our 2 metre stalls with wheels are a health and safety risk. When the German Market with static huts covering the whole width and length of the High Street, with live fire was not considered a health and safety risk, which takes us back to the point about money, not health and safety.</i></p> <p><i>We are being victimised as traders and this is our businesses and livelihoods at stake. The area that this Act allows us to trade in is no good for business and us traders cannot keep our businesses up and running in the area that is given. Removing this by law will help support the small independent businesses of Southampton and help them grow.”</i></p>
5.	The petition has 1,144 valid signatures. The response to the petition is set out in Appendix 1. The Cabinet Member for Communities, Culture and Leisure will be in attendance to discuss this petition.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
6.	Detailed within the Appendix.
<u>Property/Other</u>	
7.	N/A.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
8.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<u>Other Legal Implications:</u>	
9.	Detailed within the Appendix.
POLICY FRAMEWORK IMPLICATIONS	
10.	None
KEY DECISION	
	No
WARDS/COMMUNITIES AFFECTED:	
	None directly as a result of this report

SUPPORTING DOCUMENTATION

Appendices

1.	Response to the petition
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Documents In Members' Rooms

1.	None
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Equality and Safety Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out.	No
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Privacy Impact Assessment

Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

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BRIEFING PAPER

SUBJECT: Peddlers in the City
DATE: 14 April 2016
RECIPIENT: Overview and Scrutiny Management Committee

THIS IS NOT A DECISION PAPER**SUMMARY:**

To advise Overview and Scrutiny Management Committee of measures that the Council are taking to reduce illegal sales in the City centre

BACKGROUND and BRIEFING DETAILS:

- 1 In recent years, the Council has received increasing complaints from local shops and businesses in the City that the level of uncontrolled sellers in the City centre including peddlers in the precinct has a detrimental effect on the image of the City.
- 2 In 1983 the Council had made a Control of Sales Order (CSO) that covers the precinct and prevents people from selling in this area. This legislation was considered sufficient to begin investigating the situation and begin action against these unauthorised traders.
- 3 Officers made a number of visits to the precinct at different times of the day and on different days of the week to assess the extent of the problem and impact that the traders were having on free movement of pedestrians in the precinct.
- 4 Having established that the vast majority of these traders held peddler certificates, officers checked that these certificates did not exempt them from the Control of Sales Order.
- 5 In November 2013 Officers began to issue enforcement notices on traders in the area. This continued throughout the Christmas period with evidence being collected against repeat offenders who continued to operate despite the notices.
- 6 As the first cases were prepared for Court, an error was identified in the original Order which required it to be redrafted and advertised. Central Government had repealed the Act under which the original Order was made requiring the Council to remake it under the replacement legislation.
- 7 Once the Order was effective, Officers reissued the enforcement notices and the first cases were taken to Magistrates Court in April 2014
- 8 The Magistrates agreed that the traders in this area are in contravention of the Order and we have continued to prosecute offenders regularly since then.
- 9 Since April 2014, 20 notices of breach of CSO have been served, That means 20 individuals have been served. The vast majority no longer trade illegally. Of that 20 we have prosecuted 6 individuals a total of 20 times and there are 3 prosecutions pending.

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RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

- 10 Staff from Highways, Licencing and Legal have been involved in the various actions against the traders, including attendance at Court where necessary.
- 11 The enforcement activity is completely in line with the Councils vision of being a Regional Shopping destination. The traders often create a nuisance to shoppers and by remaining in the same place for much of the time, they cause an impediment to free movement in the busy areas, including the main entrance to the West Quay Shopping Centre.
- 12 It is noted that many of the traders that have been prosecuted are holders of peddler certificates issued by various police forces.
- 13 Over the years we have seen an increase in the number of street traders in the City. Evidence supports the vast majority of these traders abused the Street Trading legislation as the exemptions in the legislation, prior to the CSO being made, was for peddlers acting as a peddler to be exempt.
- 14 The principal of a peddler is that they move to their customer rather than setting up stall and letting the customer travel to them. Officer observation is that, without a constant presence, the majority of traders do not pedal, they street trade and in such numbers it prevents the free flow of traffic (pedestrians) along the Highway and is recognised as a risk should there be an evacuation of premises nearby.
- 15 The decision to take action against the illegal traders in the street was made at Management Team level and continues as resources are available.

OPTIONS and TIMESCALES:

- 16 The alternative to enforcing against these traders would be to ignore them and let them continue to trade unimpeded. This would lead to Southampton becoming a magnet for these traders and the associated problems will increase.
- 17 Officers are currently developing proposals to extend the existing Control of Sales Order to cover a wider area of the City, particularly north of the precinct where the footways are narrow, and also Guildhall Square where events could be compromised if traders start to congregate in this area as an alternative to the precinct.

Appendices/Supporting Information: none

Further Information Available

From:

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Tel: 023 8083 3927
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Agenda Item 8

DECISION-MAKER:		OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE	
SUBJECT:		FORWARD PLAN	
DATE OF DECISION:		14 APRIL 2016	
REPORT OF:		SERVICE DIRECTOR - LEGAL AND GOVERNANCE	
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk	
Director	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
This item enables the Overview and Scrutiny Management Committee to examine the content of the Forward Plan and to discuss issues of interest or concern with the Executive to ensure that forthcoming decisions made by the Executive benefit local residents.			
RECOMMENDATIONS:			
	(i)	That the Committee discuss the items listed in paragraph 3 of the report to highlight any matters which Members feel should be taken into account by the Executive when reaching a decision.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	To enable Members to identify any matters which they feel the Cabinet should take into account when reaching a decision.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None.		
DETAIL (Including consultation carried out)			
3.	The Forward Plan for the period April 2016 – July 2016 has been circulated to members of the Overview and Scrutiny Management Committee. The following issues were identified for discussion with the Decision Maker:		
	Portfolio	Decision	Requested By
	Leaders	Revised Houses in Multiple Occupation Supplementary Planning Document	Cllr Fitzhenry
4.	A briefing paper responding to the item identified by members of the Committee is appended to this report. Members are invited to use the paper to explore the issues with the decision maker.		
RESOURCE IMPLICATIONS			
<u>Capital/Revenue</u>			
5.	The details for the item on the Forward Plan will be set out in the Executive		

	decision making report issued prior to the decision being taken.	
<u>Property/Other</u>		
6.	The details for the item on the Forward Plan will be set out in the Executive decision making report issued prior to the decision being taken.	
LEGAL IMPLICATIONS		
<u>Statutory power to undertake proposals in the report:</u>		
7.	The details for the item on the Forward Plan will be set out in the Executive decision making report issued prior to the decision being taken.	
8.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.	
<u>Other Legal Implications:</u>		
9.	None	
POLICY FRAMEWORK IMPLICATIONS		
10.	The details for the item on the Forward Plan will be set out in the Executive decision making report issued prior to the decision being taken.	
KEY DECISION		No
WARDS/COMMUNITIES AFFECTED:		None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Briefing Paper - Revised Houses in Multiple Occupation Supplementary Planning Document	
Documents In Members' Rooms		
1.	None	
Equality and Safety Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out.		Yes
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
Other Background Documents - Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	

BRIEFING PAPER

SUBJECT: REVISED HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT

DATE: 14 APRIL 2016

RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER**SUMMARY:**

The Revised Houses in Multiple Occupation Supplementary Planning Document (SPD) sets out how the Council will determine planning applications for new Houses in Multiple Occupation (HMO). It provides further guidance on the adopted Local Plan Review policy and updates the HMO SPD which was adopted in March 2012. When adopted it will be a material consideration in the determination of planning applications.

BACKGROUND and BRIEFING DETAILS:

1. HMOs provide much needed housing accommodation in the City. There are around 7,000 HMOs across the City, representing over 9% of the City's private sector housing stock (Housing Strategy 2011-15).
2. A large number of HMOs in one area however can change the physical character of that area, and this can lead to conflict with the existing community. It is for this reason that it is important the planning system provides appropriate control over the mix of housing types across the City and avoids increasing the overconcentration of HMOs.
3. An Article 4(1) direction removed the permitted development rights of house owners to convert a single dwelling house into an HMO in Southampton. Planning permission is now required to convert a dwelling-house into a small/medium HMO. Planning permission was already required for large HMOs. The SPD is a material consideration in determining applications.

The need for review

4. The main concern with the SPD as it currently exists is whether it provides adequate protection for balanced residential communities: principally the percentage of HMOs within the 40m radius; and whether it provides reasonable protection to safeguard existing family homes from being 'sandwiched' on either side by HMOs.
5. These issues were investigated by a Scrutiny Inquiry Panel from November 2013 to May 2014 and endorsed by Cabinet in June 2014. Workshops were held in 2015 with stakeholders (residents associations and landlords/letting agents) to gather their views on the SPD. It is clear that revising the SPD will not meet all the concerns and objectives of the various stakeholders but will enable the Cabinet to adequately address the main concerns with the SPD as set out in this report. This will enable more effective use of the Article 4(1) Direction.
6. Since the SPD was adopted the National Planning Policy Framework (NPPF) has been produced by government and replaced previous national guidance. Revising the SPD will enable it to be aligned with national policy. In addition, since the adoption of the SPD a 10% threshold has been widely adopted nationally by

BRIEFING PAPER

Councils including Portsmouth City Council and Bournemouth Borough Council.

7. The Local Plan is now in the process of being reviewed and updated. Given the timescale for adoption, and the need for the SPD to be updated quickly, it is proposed that the Local Plan will be updated to reflect the revised SPD.

Content of the Revised HMO SPD - Change of threshold

8. The current SPD includes two thresholds; 10% in the wards of Bassett, Swaythling and Portswood and 20% elsewhere in the City. The 10% threshold was introduced to protect the character and balance of the northern wards and prevent a decline in family housing in areas with a significantly higher proportion of owner occupied households than the citywide average.
9. It is now proposed to apply a 10% threshold across the City. This will provide consistency throughout the City. It is also in response to concerns reported by local residents to officers and members of the planning panel about the negative impacts of introducing a new HMO into their neighbourhood. The main concerns relate to negative amenity impacts from transient occupiers, disturbance from the more intensive use of a home (as the number of people living in a HMO property will generally be higher than in a residential dwelling) and greater demand for on street parking.
10. A total of 111 planning applications for new HMOs have been processed since the threshold approach was implemented, an average of 25 per year. Most of these applications were in wards with a 20% threshold. The numbers of applications are low and the growth of new HMOs in widely known overly saturated areas is being limited. In addition the Council's experience in applying the SPD shows inspectors have supported 10% as a reasonable threshold.
11. The overall proportion of HMOs in the western, north eastern and south eastern wards in the City is considerably below the 10% threshold and therefore the impact there is likely to be minimal. The proportion in the central wards of Bevois, Bargate and Freemantle is around 18%, significantly above the 10% threshold.
12. The intention of the revision is not to prevent HMOs in wards with a high proportion of the HMO but to consider local circumstances in the immediate surrounds of the application property and redistribute HMOs over a wider area. Although the proportion within a ward may exceed 10%, this may not be the case in the local area (assessed as all properties in a 40 metre radius). Where there is a concentration above 10% in the local area, it will restrict further HMOs as the policy seeks to spread HMOs away from the most concentrated areas.

Content of the Revised HMO SPD – sandwiching

13. One of the concerns raised with the current SPD is the lack of a policy to prevent 'sandwiching'. This is where the introduction of a new HMO would result in an existing dwelling being 'sandwiched' by adjoining HMOs on both sides. In addition to increasing the local concentration of HMOs and potential amenity issues on both sides, 'sandwiching' can also reduce the opportunity for occupants to achieve a full market price for their property.
14. The revised SPD specifically states that planning permission will not be granted where it would result in a residential property 'being sandwiched between two HMOs'.

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Content of the Revised HMO SPD – exceptional circumstances

15. The current SPD refers to exceptional circumstances where the vast majority of properties are HMOs and the retention of '1 or 2' of the remaining dwellings would have little effect on the balance and mix of the community. This wording has restricted the application of exceptional circumstances.
16. It is recognised that some limited areas of the City have such a high proportion of HMOs that their character has been fundamentally and irreversibly altered. In this situation some owner occupiers or long term residents who want to leave the street, may struggle to sell their property. The revised SPD therefore introduces an upper threshold limit above which the introduction of any new HMOs would not change the character. This is set at 80% of properties within the 40 metre radius.

Consultation

17. Before drafting the revised SPD, the Council held three workshops with residents associations and landlords/letting agents. Residents associations expressed concerns about the impact of HMOs, argued for increases in the 40 metre radius and for a 10% threshold citywide. Landlords and letting agents reported increasing demand for HMOs and rent rises and practical difficulties identifying HMOs and determining a property's planning history. Both groups expressed wider frustrations about how the licensing and planning systems work together.
18. The revised SPD was published for consultation in March 2016. Comments were requested on the SPD and a short online survey was produced.
19. A total of 22 written responses were received and 37 respondents completed the online survey. These were all submitted by either local residents (all the survey responses and 11 written responses); residents' associations (9 written responses); or councillors and political groups.
20. Residents and residents' associations were generally supportive of the 10% citywide threshold. There were suggestions that the threshold is applied over a larger area, to large HMOs and that halls of residence be counted in the assessment. Concerns were raised about the impact of large HMOs and their intensification. The introduction of a 'sandwiching' measure was supported but it was argued that this should also be applied to properties at the rear and opposite. There were concerns about exceptional circumstances and the further loss of family homes and impact on character. Many of the comments focused on the negative impacts of HMOs - changing the character of areas, issues such as anti-social behaviour, noise, and crime and parking problems and poor standards and maintenance, including front gardens.
21. Landlords' representatives were concerned that the changes would stop new HMOs coming forward and therefore worsen housing problems. They suggested that a different threshold be introduced such as 15% citywide. They did not expect that new purpose built student accommodation would free up HMOs due to increases in student numbers. It was also argued that occupiers on low incomes needed to be in central areas and so would not benefit from any freeing up of student properties close to the university.
22. Following comments received in the consultation, the latest draft SPD clarifies that the impacts of intensifying large HMOs are taken into account when considering applications for extensions (paragraphs 4.8.3 and 4.8.5). Also, the council will

BRIEFING PAPER

investigate whether the approach to flipping could be extended to enable more established HMOs to be rented out to families without changing their use (4.7.2). This may require changes to the Article 4 Direction. Further minor changes include updating text to refer to the additional license scheme and removing text applying to the consultation.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

23. The SPD is prepared within the existing planning policy budget.
24. Sections 17, 19 and 23 of the Planning and Compulsory Purchase Act, 2004
25. The SPD provides further guidance on how policies H4 from the Local Plan and CS16 from the Core Strategy will be applied. These policies form part of the statutory development plan for the city.

OPTIONS and TIMESCALES:

26. Detailed within the Cabinet report

Appendices/Supporting Information:

None

Further Information Available from:

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Agenda Item 9

DECISION-MAKER:		OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE	
SUBJECT:		MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE	
DATE OF DECISION:		14 APRIL 2016	
REPORT OF:		SERVICE DIRECTOR - LEGAL AND GOVERNANCE	
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
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STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
This item enables the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.			
RECOMMENDATIONS:			
	(i)	That the Committee considers the responses from Cabinet Members to recommendations from previous meetings and provides feedback.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	To assist the Committee in assessing the impact and consequence of recommendations made at previous meetings.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None.		
DETAIL (Including consultation carried out)			
3.	Appendix 1 of the report sets out the recommendations made to Cabinet Members at previous meetings of the Overview and Scrutiny Management Committee. It also contains summaries of any action taken by Cabinet Members in response to the recommendations.		
4.	The progress status for each recommendation is indicated and if the Overview and Scrutiny Management Committee confirms acceptance of the items marked as completed they will be removed from the list. In cases where action on the recommendation is outstanding or the Committee does not accept the matter has been adequately completed, it will be kept on the list and reported back to the next meeting. It will remain on the list until such time as the Committee accepts the recommendation as completed. Rejected recommendations will only be removed from the list after being reported to the Overview and Scrutiny Management Committee.		
RESOURCE IMPLICATIONS			
<u>Capital/Revenue</u>			
5.	None.		

<u>Property/Other</u>	
6.	None.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
7.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<u>Other Legal Implications:</u>	
8.	None
POLICY FRAMEWORK IMPLICATIONS	
9.	None
KEY DECISION	No
WARDS/COMMUNITIES AFFECTED:	None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Monitoring Scrutiny Recommendations – 14 th April 2016
Documents In Members' Rooms	
1.	None
Equality and Safety Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out.	No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
Other Background Documents	
Equality Impact Assessment and Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
04/02/16	Environment & Transport	Air Quality Update	1) That the Cabinet Member circulates to the OSMC the requested information relating to Real Time Passenger Information at bus stops.	We are currently undertaking a project with the supplier to raise the % of real time buses tracking which has been a challenge since the summer. This is currently a focussed piece of work aiming to increase the amount of buses tracking in real time to the contractual level of 95%. The current level as beginning of April is 75%.	
10/03/16 Page 18	Housing & Sustainability	Improving fire safety in the council's high rise accommodation	1) That the Committee be provided with details of the scale of the rewiring works to install fire resistant cable supports in the City's tower blocks.	A full review of work completed and underway is in progress to compile a schedule by way of update – this work is likely to take 3 months.	In progress
			2) That the Cabinet Member investigates the benefits of carrying out a private sector housing condition survey.	The last house condition survey for the private rented sector was carried out in 2008 and a further survey is now due. Funding has been allocated to carry out a survey during 2016/17 to ensure that more up to date information is available to inform policy. The procurement process has commenced to engage a provider to carry out the survey.	
			3) That the Cabinet Member works with the Tenants Resource Group to consider fire safety issues and develop proposals to minimise the risk of a fire.	A review of the actions taken in 2013 is underway with the tenants to ensure that action taken remains in practice. Cabinet Member will be working with the TRG to review actions and identify any areas of further development.	In progress
10/03/16	Leader	Council Performance 2015/16 – Quarter 3	1) That officers consider the following comments relating to how the performance figures and supporting information be presented in the future: a) Changing the way the variance figures	We are currently developing an annual report for 2015/16. This will show progress over the whole year and so will give a greater sense of direction of travel and will be less sensitive to small changes quarter on	

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
			<p>were calculated. It was felt that where the actual and target figures were expressed in percentages the variance figure, also expressed as a percentage was misleading;</p> <p>b) That an explanation be provided with the figures regarding the direction of travel to enable greater understanding.</p>	<p>quarter, which we hope will address the issues raised. We are also including benchmarking wherever possible. This will give greater insight and context over and above the usual dials format. This will be presented to CMT in May, and to OSMC in June.</p>	
			<p>2) That the Chief Executive or Chief Strategy Officer be present at future meetings where the Council's performance would be considered.</p>	<p>The Acting Chief Strategy Officer plans to attend the next OSMC where the Council's performance will be considered. This will be in June 2016.</p>	

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