

Appendix 2

Scrutiny Panel A Inquiry – Summary of Recommendations

Houses in Multiple Occupation Supplementary Planning Document (HMO SPD):

Evidence was provided to the Panel from various sources advocating changing the HMO SPD thresholds currently in existence, or indeed removing the thresholds altogether. The Panel are aware that it is a balancing act between protecting family housing and balanced communities and meeting housing needs for the city. The Panel, whilst recognising that the HMO SPD is not perfect, were not convinced that the evidence presented to them was robust enough to recommend changes to the existing HMO SPD thresholds, 10% (Bassett/Portswood/Swaythling) and 20% in the rest of the city, at this time. The Panel believe more research is required in assessing housing need in the city as it relates to HMO accommodation, tipping points and in clarifying the number of HMOs in Southampton before the Council reconsiders amending the thresholds. With this in mind the Panel recommend the following:

1. That the Administration reconsider the HMO SPD thresholds once accurate and soundly based information on housing need and HMO numbers in Southampton, and the tipping point at which communities become unbalanced has been gathered. The Panel believe that working with the universities in Southampton, perhaps through commissioning a specific investigation, e.g as a student dissertation topic, could be a way forward here. Information gathered could be used in conjunction with the emerging details on location and HMO numbers emanating from the implementation of the Additional HMO licensing scheme in 4 wards of the city. The Panel ask that a) early consideration be given to Freemantle when determining appropriate thresholds, and b) that a consultative task force is established consisting of council officers, universities, representatives of resident's associations and landlords to monitor progress and to advise on the exercise to accumulate evidence on the supply of, and demand for HMOs.
2. That the Executive give consideration to how the HMO SPD can be amended to reflect the population density of HMO occupants rather than just property density. The Executive may, for example, consider utilising information derived from planning applications since March 2012, from the Additional Licensing Scheme, the location of halls of residence and whether an HMO is C4 or Sui Generis.
3. That the Executive amend the HMO SPD to include no new HMOs which would 'sandwich' family homes.
4. That greater emphasis be placed on amenity and neighbourhood character when considering HMO applications.

HMOs in general:

5. That the Council roll out the Additional HMO licensing scheme to areas within wards that have issues with HMOs as soon as legally and feasibly possible,

and deals robustly with irresponsible landlords as the scheme moves into the enforcement phase, including prosecuting where appropriate.

6. To address the issue of the proliferation of To-Let signs the Panel supports the motion approved at the 19 March meeting of Council urging the Executive to make full use of the powers available to curb the excessive display of such signs, including consideration of the adoption of a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) Regulations, and a rigorous Lettings Board Code as adopted by Leeds City Council and others. The Council could, for example, consider the following easy and inexpensive proposals; a total ban in Conservation Areas, a ban on 'Let By / Sold By' boards, and a moratorium of 'Student Let' boards between (say) August and February.
7. Development of new student accommodation benefits the wider market, as it frees up homes that are suitable for families and couples. It is therefore recommended that the Executive:
 - a. engage with the two universities in Southampton and encourages the development of additional appropriate purpose built student accommodation;
 - b. review the Council's existing policy with a view to adopting the approach whereby the City Council insist that any student numbers are matched by a proportionate increase in purpose-built student accommodation, and by setting a target for the overall number of students living outside of university provided accommodation at each institution.
8. That the Council seek agreement with letting agencies and Universities not to offer unlicensed/unapproved student accommodation to let.
9. That the Executive consult with landlords to identify ways of increasing the attractiveness of areas within Southampton in which HMOs are currently significantly underrepresented e.g by improving transport links.
10. If it is legal it is recommended that the Council develops a closer alignment between Planning and HMO Licensing ensuring that an application for an HMO License is only determined after planning permission has been ascertained. If this is currently illegal then the Council should write to the Government recommending a change in the law.

Planning Enforcement:

The Panel recognise that planning enforcement in Southampton has improved recently but more could be done to ensure that the planning function is not undermined by a lack of prompt and effective enforcement. The following actions are recommended:

11. That the planning enforcement action plan is fully implemented, including clear guidance and standards on planning enforcement and the audit plan is completed.
12. That, to act as a deterrent, successful enforcement action is publicised (may be included in Street CRED outcome publicity or through Stay Connected).

13. The Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting:
 - a. The introduction of stop notices to stop unauthorised residential uses
 - b. Shifting enforceability to proof of intent instead of actual occupation
 - c. Stopping the ability to appeal about a planning decision and a subsequent enforcement notice
 - d. An additional fee for those who have applied for retrospective planning permission
 - e. Permission to confiscate rent for unauthorised HMO occupancy
 - f. Power to charge fees for HMO applications and appeals.
14. The Council strengthens checks on established use, with published guidelines.
15. The Council makes fuller use of the Proceeds of Crime Act where possible and Section 215 (untidy sites) notices.

Permitted Development Rights:

The Panel were informed about the office to residential conversion and the residential properties permitted development rights (PDR). Members recognised that the various PDRs had the ability to impact on the balance of neighbourhoods but were notified that neither of the PDRs has so far had a significant impact on the city and that they are scheduled to be removed in 2016. The following actions are recommended:

16. To raise awareness, the Planning Service provides information to all councillors about the permitted development rights.
17. That the Council monitors the impact of PDRs with a view to taking appropriate action if it is considered that they are having a detrimental impact on the city.
18. That the Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting that the Government reconsiders their position regarding including HMOs within the PDRs for residential properties.

Community led Planning: New ways of working – Educate, engage and enforce

The Panel were informed about the new approaches that seek to empower local communities to shape their neighbourhoods. Despite limitations in approaches such as Neighbourhood Planning the Panel saw the value in encouraging, supporting and empowering communities across Southampton to work collectively to develop local solutions. These could work alongside Council enforcement in areas such as Waste Enforcement, HMO Additional Licensing Scheme, Planning Enforcement, Environmental Health and StreetCRED to address negative impacts associated with unbalanced communities. To further this community led approach it is recommended that:

19. The Council supports Neighbourhood Plans across Southampton.
20. With councillors taking the lead, the Council pilots working on a street by street basis, with local residents, resident associations and landlords to address the problems associated with HMOs in certain communities.

General comment – Planning resources

This review has identified the significant pressures facing the Planning Service. Whilst the Panel recognises the immense financial pressures facing the Council there were concerns that the existing service is under resourced and that further reductions in resources would be detrimental to maintaining balanced neighbourhoods in Southampton. It is therefore recommended that:

21. The Executive review the resources allocated to deliver the Planning Service, particularly for enforcement, to ensure that it is sufficient to deliver the service required by the City of Southampton.