





Brighton & Hove
City Council

Overview & Scrutiny

Title:	Adult Social Care and Housing Overview and Scrutiny Committee ad Hoc Panel -Students in the Community
Date:	21 November 2008
Time:	2.00pm
Venue	Council Chamber, Brighton Town Hall
Members:	Councillors: Meadows (Chairman), Janio and Wrighton
Contact:	Kath Vlcek Overview and Scrutiny Support Officer kath.vlcek@brighton-hove.gov.uk (01273) 29-0450

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AGENDA

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Witnesses include:

- Representative from Sussex Police
- Tim Nichols, Head of Environmental Health and Licensing
- Rob Fraser, Head of Planning Strategy
- Jeanette Walsh, Head of Development Control
- Gillian Marston, Head of CityClean

15. ANY OTHER BUSINESS

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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Agenda Item 11

To consider the following Procedural Business:

A. Declaration of Substitutes

No substitutes are permitted on ad hoc scrutiny panels.

B. Declarations of Interest

- (1) To seek declarations of any personal or personal & prejudicial interests under Part 2 of the Code of Conduct for Members in relation to matters on the Agenda. Members who do declare such interests are required to clearly describe the nature of the interest.
- (2) A Member of the Overview and Scrutiny Commission, an Overview and Scrutiny Committee or a Select Committee has a prejudicial interest in any business at a meeting of that Committee where –
 - (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken the Member was
 - (i) a Member of the Executive or that committee, sub-committee, joint committee or joint sub-committee and
 - (ii) was present when the decision was made or action taken.
- (3) If the interest is a prejudicial interest, the Code requires the Member concerned:
 - (a) to leave the room or chamber where the meeting takes place while the item in respect of which the declaration is made is under consideration. [There are three exceptions to this rule which are set out at paragraph (4) below].
 - (b) not to exercise executive functions in relation to that business and
 - (c) not to seek improperly to influence a decision about that business.
- (4) The circumstances in which a Member who has declared a prejudicial interest is permitted to remain while the item in respect of which the interest has been declared is under consideration are:
 - (a) for the purpose of making representations, answering questions or giving evidence relating to the item, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, BUT the

Member must leave immediately after he/she has made the representations, answered the questions, or given the evidence;

- (b) if the Member has obtained a dispensation from the Standards Committee; or
- (c) if the Member is the Leader or a Cabinet Member and has been required to attend before an Overview and Scrutiny Committee or Sub-Committee to answer questions.

C. Declaration of Party Whip

To seek declarations of the existence and nature of any party whip in relation to any matter on the Agenda as set out at paragraph 8 of the Overview and Scrutiny Ways of Working.

D. Exclusion of Press and Public

To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is confidential and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

BRIGHTON & HOVE CITY COUNCIL

**ADULT SOCIAL CARE AND HOUSING OVERVIEW AND SCRUTINY COMMITTEE AD HOC
PANEL -STUDENTS IN THE COMMUNITY**

2.00pm 7 NOVEMBER 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Meadows (Chairman), Janio and Wrighton

PART ONE

6. Procedural Business (copy attached).

6a Declarations of Interest

6.1 There were none.

6b Exclusions of Press and Public

6.2 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

6.3 **RESOLVED** – That the press and public be not excluded from the meeting.

7. Minutes of Previous Meeting

7.1 The minutes of the meeting held on 17.10.08 were approved as an accurate record.

8. Chairman's Communications

8.1 The Chairman informed members that future meetings of the ad hoc panel would be held in Brighton Town Hall, to allow for wider public access. An additional meeting of the panel has been scheduled for 05 December 2008.

9. Evidence Gathering

9.1 The panel heard from a number of witnesses.

9.2 Evidence from Dr Darren Smith, Reader in Geography, University of Brighton and from Jo Sage, University of Brighton

- a) Dr Smith and Ms Sage introduced themselves, explaining that they had studied the impact of increasing student numbers on a number of cities.
- b) In answer to a question regarding student/resident 'charters', the panel was told that these charters had been trialled in several locations, including Leeds, Nottingham and Loughborough. Such schemes could be difficult to implement as they required consistent engagement from Student Unions, something which was hard to guarantee, given the high turnover of Student Union officers. However, students are typically under-presented on residents group and associations, and any work which encourages greater engagement should be welcomed.
- c) In response to a query concerning the concentration of student households in the city, members were told that the situation was very fluid. Mapping from 2002-2007 showed the greatest concentration in the 'traditional' student areas of Hanover, Hartington Rd and Moulescoomb. Recent years have seen significant numbers of students around London Road station and in Regency Ward, with future movements into Hollingdean anticipated.
- d) Members were told this fluidity in student housing was not entirely due to the market expanding; there were also 'fashions' within the market, with some areas of the city seeing an expansion in the number of student households and others a contraction.

This was a very significant issue, as it was not necessarily clear whether former student housing tended to revert to family use or whether it stayed in the private rented sector (e.g. let to 'young professionals'). In the latter instance, the impact of student housing on family housing on the city might be considerably greater than in the former.

Members were informed that, in some other parts of the country such as Leeds, an expansion of student housing in one area of a city (e.g. from newly built Halls of Residence) had seen a matching reduction in the private rented sector for students, but little or no improvement in the availability of family housing, as the great majority of former student housing had been re-targeted at the young professional sector rather than at families.

- e) In answer to a question concerning the relationship between student numbers and national economic performance, the panel was told that the relationship was very complex. However, even if student numbers fell nationally as a result of an economic downturn (and this was by no means guaranteed), 'de-studentification' of Brighton & Hove was unlikely, as the city was considered a particularly attractive destination for students. Recent estimates for both the University of

Brighton and the University of Sussex saw stable or rising student figures until at least 2015.

- f) In response to queries about Planning issues, members were informed that there was currently no requirement to report or obtain permission for plans to convert family accommodation for student use (unless the accommodation in question was designated a 'Home in Multiple Occupation' – an 'HMO'). Although there was widespread support for the notion of introducing some kind of 'class order' for such changes of use, this could not apply retrospectively, so even if it was to be introduced, it would apply to only a small percentage of student housing.

Members were told that a more realistic approach to the issue might be to ensure that all existing management techniques were being employed efficiently in order to manage particular areas of city housing.

- g) In answer to a question regarding negative student perceptions of areas such as Bevendean and Moulescoomb, members were informed that such perceptions may have originated from surveys undertaken in 2002, when there was relatively little student housing in either area. In recent years, student concentration in Bevendean and Moulescoomb has increased considerably, and perceptions have changed for the better.

Members were also told that, in recent years, students had begun to favour proximity to their place of study above proximity to city centres, so this might also lead to improved perceptions of these suburban areas.

- h) In response to questions about student Halls of Residence, the panel was told that a recent University of Brighton Needs Assessment identified 90% of 1st year students preferring Halls to the private rented sector, with up to 20% of returning students also expressing a preference for Halls. Similar figures could probably be assumed for the University of Sussex.

Members were advised that if there were sufficient capacity for this volume of students in attractively sited Halls of Residence, there could be a very significant impact upon the private rented sector in the city.

9.3 Evidence from Kevin Mannall, Community Liaison Officer, University of Brighton

- a) In response to a question concerning what the University of Brighton did to ensure that its students were aware of appropriate behaviour, members were told that this was covered in the compulsory induction for all first year students. Printed guides were also available, and the Student Union was extensively involved with this issue.
- b) Members were informed that a joint council/University of Brighton information pack for students would be useful, particularly if landlords/letting agents were encouraged to distribute it (as many students take up accommodation in advance of their university induction, meaning that landlords are a better initial contact than universities or student unions).

- c) In answer to a question about accessing student addresses, Mr Mannall told members that he did not have direct access to students' address details, although he could often confirm which students lived at which addresses by informal means.
- d) Mr Mannall told members that the majority of his time was not spent in dealing with complaints about students, but with liaising with a variety of city agencies. Mr Mannall noted that he had received very positive feedback from city organisations, glad that they had a liaison officer to deal with.

9.4 Evidence from Simon Newell, Head of Partnerships and External Relations, Brighton & Hove City Council

- a) Mr Newell explained aspects of the role of the Local Strategic Partnership (LSP) and of the city Strategic Housing Partnership (SHP) and gave members some background as to what the SHP had done in terms of examining the issue of studentification. Mr Newell noted that the LSP and SHP brought key city partners together and facilitated high level discussion of issues; consequent practical measures would typically be taken by individual partner organisations rather than by the strategic partnerships themselves.
- b) Mr Newell noted that the LSP focused on the overall impact the city's universities had, not just upon any negative aspects of studentification.
- c) Mr Newell was asked to provide some examples of actions arising from the SHP's work. Mr Newell offered to produce a briefing paper for the panel.

9.5 Evidence from Martin Reid, Head of Housing Strategy and Private Sector Housing, Brighton & Hove City Council

- a) In response to a question regarding Homes in Multiple Occupation (HMOs), the panel was told that the legislation governing HMOs was quite restrictive, both in terms of defining an HMO (a property of more than two storeys and/or housing more than 5 people not living together as a single household), and in terms of the powers it granted to local authorities (which tended to focus on ensuring the quality of accommodation provided by HMOs rather than on managing their impact upon the local community).
- b) In answer to a query as to whether more Student Halls of Residence were required, members were told that this was an issue currently being examined by the Strategic Housing Partnership (SHP). The issue was not a simple one, as Halls could themselves impact upon the local community and it was not necessarily the case that increasing the number of places available in Halls would mean that an equivalent amount of private sector student housing was returned to more 'desirable' uses such as family housing.
- c) In response to a question on landlord accreditation schemes, members were told that these could be useful, but that most city landlords already provided good quality accommodation. This situation might perhaps be best improved by closer

co-working with the universities and by greater encouragement of university 'head-leasing' rather than via formal accreditation schemes. In any case, the ultimate guarantor of housing quality was demand: if demand for a particular kind of housing outstripped supply, then accreditation could never be wholly effective, as non-accredited landlords would still find customers.

9.6 Evidence from Paul Allen, Director of ebndc, Head of Neighbourhood Management, Brighton & Hove City Council

- a) Mr Allen stressed the positive contribution that the city's universities and their students made to local communities, much of which went relatively unheralded.
- b) Mr Allen noted that both city universities were heavily involved in community work, although he had less direct work undertaken by the University of Sussex than by the University of Brighton.
- c) Mr Allen told the panel that it was his understanding that the University of Sussex was considering introducing a compulsory element of community engagement into its undergraduate degree courses.

9.7 Evidence from Members of the Public

The panel heard additional evidence from members of the public attending the meeting.

- a) **Mr Richard Scott**, a city resident, directed the panel's attention to the issue of the availability of city private rented sector accommodation for young people who were not students, noting that competition from students could drive rents beyond the reaches of many young working people, and that the conversion of bedsits into (more expensive) studio flats could exacerbate this problem.
- b) Mr Scott also noted that the ongoing scrutiny review into Dual Diagnosis (of mental health and substance misuse problems) had addressed housing issues, and that the work of the two panels might usefully be co-ordinated.
- c) **Mr Mike Stimpson**, a city resident and landlord, informed the panel that there was in fact no legal or planning reason why student accommodation should not revert back to family use.
- d) Mr Stimpson also queried whether the problem of studentification was really as major as was being supposed, noting that some research had suggested the problem was concentrated in a few localised areas rather than being a broader urban issue.
- e) In addition, Mr Stimpson questioned whether useful comparisons could really be made between Brighton & Hove and large cities such as Leeds and Nottingham where there was typically a citywide oversupply of housing.

- f) The Chairman responded to Mt Stimpson's first point (9.7(c) above), explaining that references by witnesses and panel members to student housing not reverting to family use referred to an observed tendency, on average, for such use not to revert, rather than to any legislative bar on such a reversion.
- g) Dr Darren Smith challenged Mr Stimpson's assertions (in 9.7(d) and 9.7(e) above), arguing that the evidence Mr Stimpson had quoted on studentification was based on 2001 census data which was insufficiently sensitive and which largely pre-dated the rapid growth of student numbers in Brighton & Hove and many other cities. Dr Smith also noted that while it was true that direct comparisons of Brighton & Hove with much larger Northern cities were of limited value, a good deal of work had been done on the impact of students on comparator towns and cities such as Loughborough, Bath and Canterbury.

9.8 The Chairman thanked all the witnesses for their contributions.

10. Future Meetings

- 10.1 The Panel plans to hold additional meetings in public on 21 November and 5 December. Witnesses at these sessions may include officers from Brighton and Sussex Universities; officers of the City Council (including senior officers from CityClean and planning); police officers; city landlords and representatives of student letting agencies.

The meeting concluded at 4.00pm

Signed

Chair

Dated this

day of

HMO (Houses of Multiple Occupation) Advisory note from Planning

November 2008

Planning Permission and Use

Single dwelling houses are classed as a C3 use under the Town and Country Planning (Use Classes) (Amendment) Order 2005. A C3 use is defined as:

“Use as a dwelling house whether or not as a sole or main residence; a) by a single person or persons living together as a family; b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).”

The question of whether a change of use has occurred to a property is a matter of fact and degree and is subject to a number of collective considerations. In a case where multiple persons are sharing a property these considerations can include the origin of the tenancy, the extent to which facilities are shared, whether occupants are responsible for the whole house or just their rooms, the extent to which residents can lock their doors, the responsibility for filling vacancies, the allocation of rooms, the sharing of utility bills, the size of the establishment, the stability / transitory nature of the group and the mode of living.

Planning permission is therefore generally not required for up to 6 persons living together as a single household. It is expected in these situations that the occupants would share all communal facilities and have equal and free access to all internal parts and rooms of the house. As an example internal rooms may have locks on the inside of the doors to facilitate privacy but the rooms would not be expected to have locks on the outside of the bedroom doors as this discourages the use of the property by and as a single household. It has been held in appeal decisions, decided by the Planning Inspectorate, that it is not simply enough to demonstrate that all main facilities are shared but rather that there is a degree of communal living.

As stated the nature of the tenancy, the responsibility for filling vacancies and the transitory nature of the occupants are also other key factors in determining whether a change of use has occurred.

Alterations and Extensions

The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order 2008* gives consent for the owners of single

dwelling houses to make alterations and extensions to their property without the need to apply for planning permission. This legislation includes the provision for extensions and alterations to be made to the roof space (such as dormers and hip to gable extensions) and the ground floor of the property (such as conservatories and other extensions). Specific regulations cover the volume of additions to the roof space and the heights, sizes and form of additions to the ground floor. If an extension or alteration is made in conformance with these requirements then planning permission is not required for the alteration. There is nothing in planning legislation which would control the “use” of a particular room within a property provided that the overall principal use is as a single dwelling house within use class C3. For example in a C3 use the Council would have no control over the use of a conservatory as the properties principal “lounge” for instance.

*The Town and Country Planning (General Permitted Development) (Amendment) Order 2008 came into force on 1st October 2008 and amends the Town and Country Planning (General Permitted Development) Order 1995. These two development orders are similar in what they permit to be added to a property although the regulations used to assess whether the development is “permitted” are different.

Investigation and Enforcement

A material change of use requiring planning permission may be considered to have occurred if the property is occupied by more than 6 persons or if any evidence is presented or found to demonstrate that that the property is no longer in use as a single family dwelling.

Multiple occupation may be alleged to have a damaging impact on the surrounding area, with increased activity in terms of comings and goings and general noise and disturbance being the most common cause for complaint. Inadequate space or inadequate provision for parking, refuse and recycling collection and the collection of other domestic paraphernalia may also be factor contributing to complaints.

If the Council investigates and considers that a material change of use may have occurred then consideration could be given to taking formal enforcement action. Guidance from central government states that formal enforcement proceedings should only be considered where demonstrable harm is being caused and action should not simply be taken against purely “technical” breaches of planning regulations. Planning enforcement action is a discretionary power.

When investigating a particular property if the Council considers that the change of use may be acceptable in principle or that additional controls are simply needed to protect the amenities of the local area, then it is common for a full planning application to be invited for a change of use. In granting an application the Council as Local Planning Authority can impose

any number of planning conditions which can form and function as additional “controls” over a property or situation. This method can resolve issues to a satisfactory degree in some circumstances.

Where a property is being used in an unauthorised capacity as an HMO and the degree of problems being caused to the local area are substantial and harmful to the amenities of local residents then a Planning Enforcement Notice could be served. The notice could require a number of practical actions in order to remedy the breach of planning control (or problems caused) or the notice could require the complete cessation of the unauthorised use of the property and require its reversion back to a single dwelling house (use class C3.) The recipient of a Planning Enforcement Notice may exercise their right of appeal to the Planning Inspectorate. The Inspectorate will judge the situation and view the matter independently and may uphold, vary or quash the notice. If an enforcement notice is not complied with then an offence has been committed and the Council may prosecute in the Court in order to achieve a resolution to the matter.

Policy H08 of the Brighton and Hove Local Plan 2005 seeks to resist the loss of units of self-contained accommodation and development proposals would need to be compliant with this policy in an instance where a family dwelling house was being converted to an HMO.

Matt Gest
Planning Investigations and Enforcement Manager
November 2008

