

Appendix 1

Statement of Publicity Responses for the City Wide Article 4 Direction

1 Introduction

- 1.1 This statement summarises the main issues raised during the six week publicity period for the new City Wide Article 4 Direction, which will remove permitted development rights for the conversion of C3 dwelling houses to C4 Houses in Multiple Occupation (accommodating between 3 and 6 people).
- 1.2 Following Cabinet approval on 14 May 2019 to make this Article 4 Direction, the six week publicity period commenced on Thursday 6 June 2019 and closed on Thursday 18 July 2019.

2 Engagement Methods Undertaken During the Six-Week Publicity Period

- 2.1 The decision to apply the Article 4 Direction was made under the provisions of Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015. Schedule 3 of this Order prescribes the process which must be followed by local authorities in making and publicising Article 4 Directions, as follows:
 - Notice of the direction to be given by local advertisement;
 - Site display of the notice at no fewer than 2 locations within the area to which the direction applies, for a period of not less than 6 weeks;
 - Serving the notice on the owner and occupier of every part of the land within the area to which the direction relates – unless the number of owners or occupiers within the area makes individual service impracticable;
 - Sending the notice and the direction to the Secretary of State.
- 2.2 Given the size of the city, it was determined to be impracticable to serve the notice on all owners and occupiers in the Article 4 Direction area. However the rest of the requirements were met and exceeded by the following measures:
 - Displaying at least one public notice per City Council ward, with a focus on prominent locations in each District or Local Centre. This was usually a central location within each centre, close to an area of high public activity such as a bus stop or pedestrian crossing. An

example of one of these locations at Hawthorn Road Local centre is provided below.



Figure 1: Notice on display at Hawthorne Road Local Centre

- Where a ward contains more than one centre then a corresponding number of notices was displayed. In wards that do not contain a centre then, as with the locations in centres, the notice was placed in a location with high public activity such as a bus stop, pedestrian crossing near to a post office or postbox.
- Copies of an information leaflet, a frequently asked questions document, and the publicity response form were made available in the reception areas of the Council House and 1 Lancaster Circus, and at Druids Heath, Erdington and Northfield Customer Service Centres.
- A dedicated page on the City Council's website was set up, with the all of the above documents available to download, and a link to an online response form via BeHeard was set up. An internet shortcut was used to access this webpage, using the following address: www.birmingham.gov.uk/hmoarticle4;
- Posts were placed on the City Council's Facebook and Twitter accounts to provide information and links to the above webpage at various times throughout the six week publicity period;
- Letters or emails were sent to all contacts on the Planning Policy consultation database to provide notification of the start of the publicising period;
- Officers attended councillor ward meetings, neighbourhood forum meetings and a meeting of the regional branch of the National

Landlords Association to present information about the direction and to answer questions raised by attendees.

3 Summary of Responses Received

Overview:

- 3.1 251 individual comments were received in response to the publicity period. 151 (60%) of these comments expressed support for the City Wide Article 4 Direction, 85 (34%) were opposed to it, 4 responses (2%) instead supported an area-based approach to applying Article 4 Directions and 10 (4%) did not express a view. This illustrated in the pie chart below.

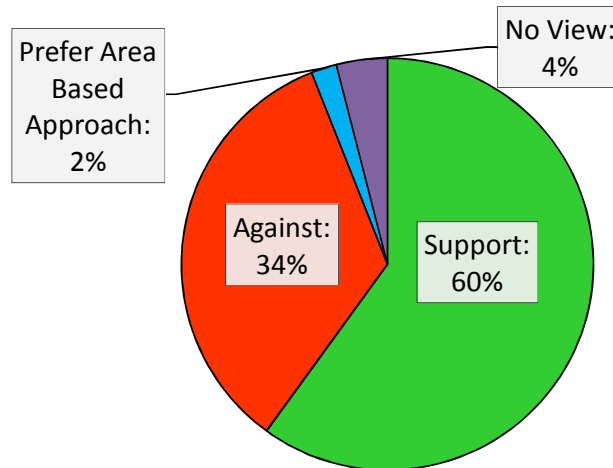


Figure 2: Views on the City Wide Article 4 Direction

- 3.2 A petition was also received in support of the City Wide Article 4 Direction, entitled;

"We the undersigned are concerned about the increase in family housing being converted to Houses in Multiple Occupation (HMOs) across Birmingham. Often this is done without planning permission using permitted development rights. Therefore we support the introduction of an article four directive and call on Birmingham City Council to introduce an article four directive to limit the conversion of houses into HMOs and to place covenants on all land and housing that Birmingham City Council disposes of, including right to buy properties, preventing their later conversion to HMOs and for the Government to introduce legislation to prevent the conversion of houses to HMOs without planning permission"

- 3.3 The petition was signed by 452 individuals. As it also raises matters relating to the disposal of City Council properties, it will also need to be

considered by Birmingham Municipal Housing Trust and Birmingham Property Services.

Summary of Supporting Comments:

3.4 The main issues raised by those who support the city wide direction are as follows:

- Concerns about crime and anti-social behaviour generated from HMO properties
- Impacts of transient population on community cohesion
- Degradation of local environment
- Poor condition/maintenance of HMO properties
- Demands on local services and infrastructure
- Problems with litter and waste
- Noise problems generated from HMO properties
- Concerns about overcrowding
- Pressure on car parking and highway safety
- Concerns about supported accommodation
- Support for more licensing of HMOs
- Concerns about the health and wellbeing of HMO residents

3.5 The chart below shows the main issues that were raised within the supporting comments, in order of the number of comments that raised them.

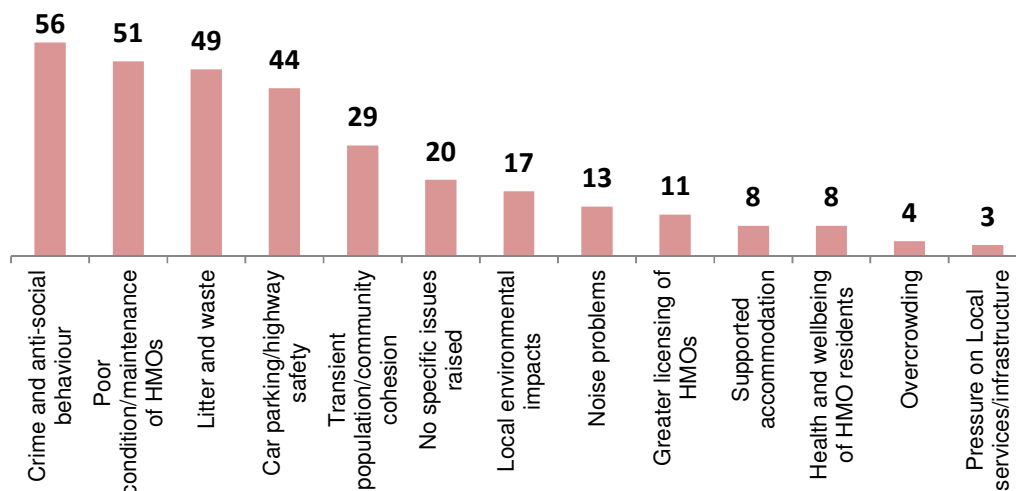


Figure 3: Number of supporting comments that raised each main issue

- 3.6 The most common issues raised relate to crime and anti-social behaviour arising from HMOs, the condition and maintenance of HMO properties, litter and waste generated from HMO properties, and pressures on parking and highway safety.

Officer Response to Main Issues Raised in Supporting Comments:

- 3.7 Most of the issues raised relate to the impacts associated with HMOs, which have either been perceived or experienced by the respondents. The Article 4 Direction won't directly address these issues but, in combination with the policy approach set out in the Development Management in Birmingham document, it will provide a means for the City Council to improve its data on HMOs and to manage their distribution. This will help to reduce the intensity of the negative impacts associated with high concentrations of HMOs by ensuring a more even distribution across the city.
- 3.8 To have a more direct impact in addressing these issues it will be important for the City Council to work collaboratively across teams and departments, particularly in the Inclusive Growth and Neighbourhoods directorates, and also with external partners – particularly West Midlands Police and Registered Providers of social housing.

Summary of Objecting Comments:

- 3.9 The main issues raised by those who object to the city wide direction are as follows:
- The effect it will have on limiting the availability of different types of housing in the city;
 - Potential effects on the affordability of housing, as HMOs are seen as less expensive options for people to live in;
 - Potential increases in homelessness due to the reduced availability and affordability of housing;
 - Potential discrimination against students and younger age groups, who may typically occupy such properties;
 - The evidence to justify the Article 4 Direction was not robust as it was seen as being anecdotal and not factual;
 - That other mechanisms should be used instead to control the negative impacts associated with HMOs (e.g. Anti-Social Behaviour Orders and enforcing HMO Management Regulations)
 - The resources required to enforce a City Wide Article 4 Direction

- That many of the concerns regarding private HMO properties were confused with issues arising from exempt housing and supported accommodation.

3.10 The chart below shows the main issues that were raised within the objecting comments, in order of the number of comments that raised them.

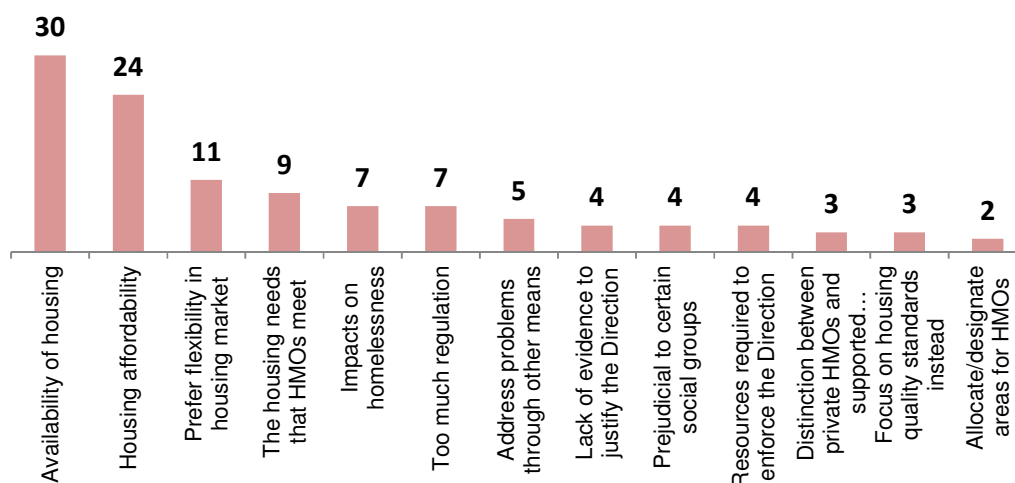


Figure 4: Number of objecting comments that raised each main issue

3.11 The most common issues raised relate to the impacts that the Article 4 Direction might have on the availability and affordability of housing in the city. Related to these, comments also supported greater flexibility in the housing market, a recognition of the specific housing needs that HMOs cater for, potential resulting increases in homelessness, and that the Article 4 Direction and existing rules regarding HMOs results in too much regulation.

Officer Response to Main Issues Raised in Supporting Comments:

3.12 The purpose of the Article 4 Direction is not to reduce the overall number of HMOs in the city, but to provide a tool to support better management and monitoring of new HMOs proposed to be created from the existing housing stock. The 14 May 2019 Cabinet report emphasised the important role that HMOs play in meeting specific housing needs and this will continue after the Article 4 Direction is brought in to force. In combination with the policy approach contained within the Development Management in Birmingham document, the Article 4 Direction will help to prevent further concentrations of HMOs in specific areas of the city and, as referred to in the response to the supporting comments, reduce the intensity of some of the negative impacts associated with high concentrations of HMOs.

3.13 It is not considered that the Article 4 Direction will result in increases in homelessness, as the reasons for homelessness are diverse and

complex. These are detailed in the City Council's Homelessness Prevention Strategy 2017+ which also sets out how the City Council and partners will pursue actions to prevent households from becoming homeless. The City Council's Planning Services will continue to work with other teams in the Inclusive Growth and Neighbourhoods directorates to achieve these aims.

- 3.14 Other more general comments referred to the increased regulation and resources required to monitor and enforce the direction. The resourcing requirements were referred to in the previous Cabinet report and were one of the matters that Cabinet considered in making their decision to apply a City Wide Article 4 Direction at their meeting on 14 May 2019. While the direction will increase regulation for landlords, it will ensure that the City Council is more able to manage and monitor the prevalence of HMO properties in the city.

4 Conclusion

- 4.1 The comments received during the six week publicity period have helped to highlight the issues surrounding HMOs in the city, and the potential impact that the City Wide Article 4 Direction may have. Whilst some of the comments relate to perceived issues surrounding the HMOs and the Article 4 Direction, many of them also referred to very real and specific experiences of landlords and residents which could be either positive or negative.
- 4.2 It is clear that there are wider issues surrounding HMOs which the Article 4 Direction will not be able to address, including problems with poor property maintenance, litter, car parking, noise and anti-social behaviour. Addressing such issues will require collaborative working across City Council departments and with external partners such as Registered Providers and West Midlands Police. The direction will however provide the City Council with a tool to support the coordination, management and monitoring of new HMOs that are created from the existing housing stock, by enabling their potential impacts to be thoroughly considered and addressed through the assessment of planning applications for all new HMOs in the city in the future.