

BIRMINGHAM CITY COUNCIL

**HOUSING AND NEIGHBOURHOODS O&S COMMITTEE –
PUBLIC MEETING**

1400 hours on Thursday 30 July 2020, Online meeting

Present:

Councillor Mahmood Hussain (Chair)

Councillors Deirdre Alden, Marje Bridle, Roger Harmer, Shabrina Hussain, Mary Locke and Ken Wood

Also Present:

Mark Croxford, Head of Environmental Health

Uyen-Phan Han, Planning Policy Manager

Jayne Bowles, Scrutiny Officer

Emma Williamson, Head of Scrutiny Services

1. NOTICE OF RECORDING/WEBCAST

The Chairman advised that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

2. APOLOGIES

Apologies were received from Councillor Penny Holbrook.

3. DECLARATIONS OF INTERESTS

None.

4. ACTION NOTES AND ACTION TRACKER

(See documents 1 and 2)

RESOLVED:

- The action notes of the meeting held on 25 June 2020 were agreed.

- The action tracker was noted.

5. UPDATE ON ARTICLE 4

(See document 3)

Uyen-Phan Han, Planning Policy Manager, updated Members on the city-wide Article 4 Direction which came into force in June 2020 and highlighted the following points:

- Small HMOs (Houses in Multiple Occupation) now need planning permission, as with larger HMOs;
- The new Planning Policy contained within the Development Management Document was submitted to the Planning Inspectorate on 17th July;
- The Planning Inspectorate will set a timetable and more consultation may be needed before the document is finalised;
- There were 2,500 small HMOs declared before the 8th June deadline, all of which would be processed by the end of August and a final list will be published;
- Mandatory licensing is a separate regime and will still be required for HMOs of five or more people, as well as planning permission.

In response to Members' questions, the following were amongst the main points raised:

- It was pointed out that in the report, the third bullet point in the section headed "Planning Policy on HMOs" incorrectly states that "no more than 10% of **HMOs** within 100m of the application should be in HMO use". It was acknowledged that this was a mistake and should have said **residential properties** not HMOs and Members were assured that it is correct in the Development Management Document;
- The view was expressed that rather than being encouraged to declare, owners of small HMOs should be forced to register and stronger enforcement is needed;
- In response, Members were told that the council can only encourage and cannot force but it was in the interests of HMOs developers to declare before the 8th June deadline because after that they would need planning permission;
- It is acknowledged that it will not be possible to be aware of 100% of HMOs in the city;
- Members requested that the list of declared properties to be made available be broken down by ward and were told that the intention is to publish a list by ward;
- HMOs which have not been declared will be investigated by the Planning Enforcement Team;

- In terms of resources for the extra work which will be required, 15-20 vacant posts have been filled in Planning and this includes increased capacity in the Enforcement Team;
- If local councillors have concerns about unauthorised HMOs in their wards, these can be reported by emailing the Enforcement Team and the email address would be circulated to Members after the meeting;
- Where there are concerns, checks will be made to see if a property has a HMO licence and check against records for planning permission. Further investigations would then be made to ascertain how long the property had been in HMO use;
- Where there is a planning breach, the owner would be required to submit a planning application through the same process as if it was a new HMO and that application will be determined as either approved or refused. If refused, the property would have to be converted back to a family house;
- Members were concerned that there are some HMO owners who would deny they were HMOs and Enforcement Officers calling at the house might be told that the occupants are related;
- It was acknowledged that this can be difficult where it cannot be verified and officers have to take the word of the owners or tenants;
- It was suggested that an officer from the Planning Enforcement Team be invited to a future meeting.

RESOLVED:

- The email address for reporting planning breaches to the Enforcement Team to be circulated to Members;
- List of HMOs by ward to be provided;
- The report was noted.

6. UNAUTHORISED ENCAMPMENTS

(See document 4)

Mark Croxford, Head of Environmental Health, attended to brief Committee on the current situation regarding unauthorised encampments and to give an update on the Motion to City Council in September 2019.

In presenting the report, the following main points were highlighted:

- There is a requirement to consider welfare issues before carrying out an eviction and the opening of the transit site, which provides sanitation and other services, has meant that this can be dealt with more rapidly;
- The transit site charge of £100 per pitch is a weekly contract and applies whether the stay is for one night or seven nights;
- Since opening the transit site, we are now looking at any encampment, whether on public or private land;
- Work is underway with a view to developing a second site;

- With reference to the table showing the number of unauthorised encampments since April 2019, it was pointed out that Covid has had an impact and this really began to bite around April of this year;
- At the time the report was written, there were 4 unauthorised encampments in the city and this has now increased to 7;
- The actions taken since the City Council Motion were highlighted.

In the course of the discussion, and in response to Members' questions, the following were amongst the main points raised:

- Members asked that their thanks be passed on to officers for the work they do in clearing and cleaning up sites;
- It was noted that it would be good to do more work with Friends of Parks;
- In response to a question about how much use was being made of the transit site, Members were told that there had been very little use before Covid. Since Covid, there have been two families on the site but there is a need to ensure this does not become permanent and the families and Legal are being engaged with;
- In terms of the situation in other areas and how they compare, meetings have been held with colleagues in other West Midlands authorities and there is a mix across the region;
- Coventry and Walsall are badly affected at the moment and do not have transit sites;
- Sandwell has a transit site and their numbers mirror our own;
- Birmingham used to have more than the other areas put together.

In terms of what happens now regarding the Motion, it was confirmed that if no further action was required by Members officers would discuss getting it signed off.

RESOLVED:

- The report was noted.

7. WORK PROGRAMME

(See document 5)

The work programme was discussed and the following points were raised:

- Fly-tipping – scrutiny officers had made contact with Barking & Dagenham and had some possible dates for a meeting which would be circulated to Members;
- Councillor Wood referred to his previous request for an item on the council's relationship with the Birmingham Social Housing Partnership to be programmed for this committee and not to be passed on to the Economy and Skills O&S Committee as had been previously suggested. It was agreed that this would be picked up with the Chair;
- Performance Reporting is on the list of items to be scheduled and it was agreed that officers would be contacted with a view to programming this in as soon as possible.

RESOLVED:

- The work programme was noted.

8. DATE OF NEXT MEETING

Noted.

9. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)

None.

10. OTHER URGENT BUSINESS

None.

11. AUTHORITY TO CHAIRMAN AND OFFICERS

RESOLVED:

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

The meeting ended at 1517 hours.