





**Brighton & Hove
City Council**

Overview & Scrutiny

Title:	Adult Social Care and Housing Overview and Scrutiny Committee ad Hoc Panel -Students in the Community
Date:	5 December 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 (01273) 29-0450 kath.vlcek@brighton-hove.gov.uk

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AGENDA

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18. CHAIRMAN'S COMMUNICATIONS

19. EVIDENCE GATHERING

Witnesses include:

- Representatives from Council Tax Section, Brighton & Hove City Council
- MTM Letting Agents
- Shula Rich, on behalf of Private Landlords' Association
- David House, Deputy Vice-Chancellor of Brighton University
- Charles Dudley, Director of Residential, Sport and Trading Services, University of Sussex
- Lorinda Holness, Residential Services Manager, University of Sussex

20. 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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Agenda Item 16

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 21 NOVEMBER 2008

COUNCIL CHAMBER, BRIGHTON TOWN HALL

MINUTES

Present: Councillor Meadows (Chairman); Councillors Janio and Wrighton

PART ONE

11. Procedural Business (copy attached)

11a Declarations of Interest

11.1 There were none.

11b Exclusion of Press and Public

11.2 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.

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

12. Minutes of Previous Meeting (held on 7 November 2008)

12.1 The minutes of the meeting held on 7.11.08 were approved as an accurate record.

13. Chairman's Communications

13.1 The Chairman informed members that she was aware that a number of residents still wished to make submissions. The Panel welcomed all submissions, to be received by the deadline of 5 December 2008.

14. Evidence Gathering

14.1 The panel heard evidence from a number of witnesses:

14.2 Evidence from Sergeant Matt Belfield, Neighbourhood Specialist Sergeant, Sussex Police

- a) Sergeant Belfield introduced himself and explained his remit: he manages the Street Policing Team that covers Hanover, St Peters and the North Laine areas of the city.
- b) In answer to a question regarding the types of issues that his team had experienced regarding students, the panel was told that students generally caused very little trouble in the city centre. The Street Policing Teams tended to be contacted regarding noise complaints, for example, when students returned to residential areas or when a house party over-spilled. Incidents tended to be more public disorder incidents rather than criminal offences. The Teams would deal robustly with any criminal matters.

At the beginning of the current academic term, the Street Policing Team in Hanover had stayed at work until 5am to try and address some of the noise complaints, as it had been recognised that complaints escalated at the start of new academic years.

Sergeant Belfield told the panel that the police worked closely with Kevin Mannall, Community Liaison Officer at Brighton University and gave examples of some of the positive joint work that had taken place.

- c) Members heard that dealing with noise complaints was generally not within the police's remit; it would generally be the case that details would be passed to Environmental Health on the next working day. However if the Street Policing Team had resources available, officers would respond and talk to the household about their responsibilities as neighbours. When the police attend an incident, they will forward the case details to various agencies including the universities.

The panel heard that the police had the powers to arrest people for being drunk and disorderly but that this would be used as a last resort. There was also separate legislation to tackle alcohol being drunk in the street.

Sergeant Belfield said that in his view, he did not think that students often realised that they were causing problems. Sergeant Belfield felt it important to raise students' awareness with students and suggested it might be useful for students to attend residents' meetings so that they could gauge the scale of the problems and the upset to other residents.

- d) In response to a query about licensing laws, and whether there was any capacity to impose conditions on premises which had received complaints, the panel was told that legislation was available to close a premises, for example if there was a large-scale disorder. However, noise caused by smokers or people exiting the premises would not be classified as large-scale disorder. If the police received repeat complaints about the same premises, they would discuss this with the Licensing Team.
- e) In answer to a question concerning whether public order legislation could be applied to an incident within a residential property such as a garden party, the panel was told that the police could not use the legislation in this way. It would be more likely that the police would close the party down. If a particular household became problematic and was holding noisy parties regularly, the police would raise this with the various agencies including the council and the universities to consider the best way forward. The students would be advised of the possible consequences of continuing their actions, including the potential to be expelled from university.
- f) Members heard that parking obstructions and double parking offences were targeted on a regular basis and fixed penalty notices issued as appropriate, More permanent measures were put in where possible, for example, on Elm Grove, barriers had been erected to stop on-pavement parking.
- g) In response to a query concerning whether student houses were targeted by burglars, the panel was told that it did not seem to be the case that student households were particularly targeted but that burglaries happened in hotspots. When this happened, the police would offer crime prevention advice to all residents in the area.

14.3 Evidence from Tim Nichols, Head of Environmental Health and Licensing, Brighton & Hove City Council

- a) Mr Nichols introduced himself and outlined the general duties of the teams that he managed; these included the licensing team and the environmental protection team that investigated noise.

Mr Nichols explained that the teams had a statutory duty to investigate all noise complaints received. The largest proportion of environmental health complaints were about noise nuisance, with over 3200 complaints received in 2007/8.

A variety of penalties could be imposed, with equipment seizure being the most stringent. In 2007/8 149 noise abatement notices had been issued, with 16 prosecutions and two audio equipment seizures. Noise nuisance complaints had escalated by approximately 10% last year, 7% the year before and 1% the year before that. So far in 2008/9, there had been six equipment seizures.

It was hard to quantify why complaints have escalated, but it could be due to a combination of factors including better audio equipment, tsmoking legislation leading to more people being outdoors, and the removal of artificially early fixed licensing hours.

Mr Nichols explained that the noise patrol was just one way in which the council could gather evidence about alleged noise nuisance. The Environmental Health Team also had the option to interview and correspond with complainants and alleged offenders, install recording equipment, visit the premises during the day or the night, carry out surveillance and stake-outs, and collect statements.

The panel heard that the noise patrol team had carried out customer satisfaction surveys. These had shown a high level of customer satisfaction with the service, although there had been a slight recent decline. The most common comment from residents was that the hours of the service should be extended or operated on other days of the week.

- b) The panel heard about the impact of the Licensing Act 2003 on licensed premises. The Act had a presumption that licensed premises were well managed, and therefore any late-night opening licensing applications would have to be granted unless there were clear reasons against it.

The Act also gave the police stringent closure powers, on the grounds of disorder or likely disorder; to date, the police had used this power approximately 20 times. In addition to the police powers, Environmental Health could close premises on the grounds of public nuisance but this would only be in very extreme circumstances.

The most important balancing powers were within the Licensing Review powers, which could result in modifying a licence including: reducing a premises' opening hours or removing a licensable activity; removing the manager; revoking the licence or suspending the licence.

To date, the Panel had reviewed approximately 25 licences. Of these, the Panel had revoked two licences, suspended four licences and modified several other premises' licences.

- c) In answer to a question about problems in identifying the source of a potential noise nuisance, the panel heard that it was quite common for there to be difficulties in establishing a property's address. Mr Nichols said that he felt that his team was reasonably effective at stopping recurring problems but it might be less successful in dealing with sporadic incidents.

Mr Nichols said that he felt that addressing the problem of street noise was a gap in protection for residents. Although bylaws could be used by the police, aggrieved residents and others, it would be unrealistic to expect such powers to be effective.

The recent Noise Act had introduced the power to issue fixed penalty notices of £100 fine or £1000 on prosecution which assisted in remedying sporadic, occasional loud parties.

- d) A member raised a resident's concern that they felt that city centre noise complaints took priority over complaints from areas further from the centre. Mr

Nichols assured the panel that the team did not prioritise certain geographical areas over others, although they might deal with a clutch of complaints about the same geographical area at one time in times of high demand.

Complaints were categorised into different priorities and responded to accordingly, for instance, the highest priority was given to households where a noise abatement notice had already been served, the lowest priority given to a complaint with no previous history, which had lasted less than an hour and other complaint types being ranked in-between.

- e) In response to a query regarding how complaint numbers were calculated, the Panel heard that each address which was being complained about would be categorised as one complaint, regardless of whether one or a hundred complaints had been received about the address.

It was not possible to calculate what percentage of the complaints received were about student households; this information was not currently collected although it might be possible to look at complaints by geographical area if this was useful.

14.4 Evidence from Rob Fraser, Head of Planning Strategy, Brighton & Hove City Council

- a) Mr Fraser introduced himself and the role of Planning Strategy. Mr Fraser explained that the current Local Plan had been based on information and data from 2001, at which time the current student housing issues had not been so prominent. This meant that there was little in the Local Plan about student housing policy.

Mr Fraser explained that central government gave local authorities challenging housing targets, with financial incentives if the targets were met, for example, at least 11,000 new homes were needed by 2026. There was no current government target for 'student housing'.

- b) Members asked about the potential benefits of a supplementary planning document (SPD) on the topic of student housing, commenting that one benefit of an SPD would be to highlight student housing as an issue, for which land needed to be allocated.

Mr Fraser explained that his department had scoped what other local authorities had done in terms of student housing including SPDs, but that there did not appear to be any instant solutions.

Most housing within Brighton and Hove did not fall within planning control, for example most housing was too small to require planning permission to be converted into housing of multiple occupation (HMO).

- c) The panel asked whether a local authority had any potential powers to control HMO numbers in a particular area on the basis of the long-term impact on the community's infrastructure. Mr Fraser said that he was unaware of any such

mechanism in planning policy, but that he would provide further information to the panel at a later date.

- d) Mr Fraser said that it did not appear that planning controls were the way to tackle the issues. His view was that it would be of greater use to work with the universities and housing colleagues to ensure that adequate student accommodation was built near the universities. However, Mr Fraser was aware that he could not speak on behalf of Housing.

Mr Fraser explained that, due to the competing demands on the limited land available, his department would be wary of allowing student-specific accommodation in the city centre.

The panel heard that the Planning Strategy team worked closely with both of the universities in considering student accommodation needs. Mr Fraser explained that on-campus accommodation did not conflict with any other planning policies. There was room for high-density building along the Lewes Road, much of which was owned by the universities. Mr Fraser said that he would be keen to discuss any plans for university-owned land.

The panel heard that the University of Sussex had submitted a current planning application to build 700 units on their land, but this would be used in the first instance to move students from poorer quality campus accommodation.

Mr Fraser told the panel that there was also potential to work with Brighton University to explore the possibility of campus accommodation, as there was capacity on some of their sites.

14.5 Evidence from Jeanette Walsh, Head of Development Control, Brighton & Hove City Council

- a) Ms Walsh introduced herself and outlined the statutory role of development control, in making decisions and recommendations on planning applications. The development control team also have a duty to investigate breaches of planning control and ensure decisions are in accordance with the Development Plan.
- b) Ms Walsh clarified the legislation with regard to HMOs and permitted development rights, and referred members to the advisory note that had been prepared by the Planning Investigations and Enforcement Officer (copy attached to agenda papers).

Ms Walsh explained that there had been amendments to the national legislation regarding permitted developments, which would be likely to lead to larger conservatories and more attic rooms being built under householder permitted development rights.

- c) Members queried the Planning Authority's role in controlling the number and the content of signs and billboards. Ms Walsh said that there may be scope for the Planning Investigations team to investigate complaints about multiples of signs although they would not have the authority to control the signage content.

(Mr Fraser added to this point, explaining that there was regulation governing estate agents' boards in conservation areas, but it was not known whether this could be used in non-conservation areas.)

- d) In response to a query concerning enforcement action in Brighton and Hove, the panel heard that it was necessary to take a reasonable approach to planning enforcement matters and to consider the various options available. Since Ms Walsh had come into post, she had created a Planning Investigations Team. In the previous year, only six enforcement notices had been served by the team.

14.6 Evidence from Gillian Marston, Assistant Director, Cityclean and Cityparks and Damien Marmura , Operations Manager, Cityclean , Brighton & Hove City Council

- a) Ms Marston introduced herself and explained Cityclean's role in the city.
- b) In response to a resident's concern about students only being allowed small wheeled bins, Ms Marston confirmed that households of five or more people could notify Cityclean of their household size and be issued with a larger wheeled bin.

In response to concerns about students leaving their refuse out on the wrong collection day, Ms Marston confirmed that this was not a 'student' problem but was a citywide problem. Cityclean could write to those households notifying them of the correct collection day. Cityclean had also installed signs on lamp-posts notifying residents of the correct collection day; this had had a positive impact.

- c) Members asked whether Cityclean ever collaborated with the universities to raise awareness of refuse and recycling issues. The panel heard that Cityclean had attended student fairs in the past and that they had worked with one of the universities to introduce recycling facilities into halls and on a communication campaign.
- d) Members asked whether it would be possible for Cityclean to issue wheeled bin stickers reminding residents of the correct collection day. Mr Marmura explained that Cityclean was in the process of issuing fridge magnets to every household with their collection day but that they would also consider issuing stickers, as they were less likely to be lost or misplaced. Ms Marston explained that Cityclean was also due to issue recycling box information stickers to all households early in 2009.

Members queried whether there was a limit as to how many recycling boxes a household could have. Ms Marston said that, within reason, households could have as many recycling boxes as needed but that the recycling crew would also collect plastic bags of sorted recycling.

Members queried information given at a previous meeting, in which a student household was told by their landlord to leave unwanted furniture on the street as Cityclean would come and clear it. Ms Marston said that this was not the case

and that Cityclean did not provide a house clearance service. Cityclean would be reluctant to put skips out at the end of term, as this was contrary to the sustainable waste agenda of 'reuse' and 'recycle'. Mr Marmura confirmed that Cityclean had the power to issue fixed penalty notices to a landlord for refuse being left on the wrong day.

- e) Members commented that a key part of the process seemed to be about information flow going to students and said that they were keen to help this process. It was noted that, although student households might change on a regular basis, landlords were fairly constant and perhaps more could be done through landlords.

Members asked whether there might be a phone number that residents could use to tell Cityclean about households that were causing problems. Ms Marston welcomed this suggestion, explaining that Cityclean employed enforcement officers that would be able to investigate such reports.

14.7 The Chairman thanked all the witnesses for their contributions.

15. Any Other Business

- 15.1 The final panel meeting will be on 05 December at Brighton Town Hall. Witnesses at this session may include officers from Brighton and Sussex Universities; officers of the City Council; city landlords and representatives of student letting agencies.

The meeting concluded at 4.00pm

Signed

Chair

Dated this day of