



Buckinghamshire Council

Growth, Infrastructure & Housing Select Committee

Minutes

MINUTES OF THE MEETING OF THE GROWTH, INFRASTRUCTURE & HOUSING SELECT COMMITTEE HELD ON THURSDAY 16 FEBRUARY 2023 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 10.00 AM AND CONCLUDING AT 12.27 PM

MEMBERS PRESENT

D Carroll, T Hogg, N Brown, S Chapple, Q Chaudhry, I Darby, M Hussain, N Marshall, C Poll, D Town, S Wilson and P Brazier

OTHERS IN ATTENDANCE

R Stuchbury, S Broadbent, M Winn and P Strachan

Agenda Item

1 APOLOGIES FOR ABSENCE/CHANGES IN MEMBERSHIP

Apologies had been received from Councillors Carl Etholen, Tom Hunter-Watts, Imran Hussein and Simon Rouse.

Councillor Peter Brazier was in attendance substituting for Councillor Simon Rouse.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 15th December 2022 were agreed as an accurate record.

It was noted that item 7 from the minutes was not discussed in detail at the meeting and that a further update would be for members at a future meeting.

4 PUBLIC QUESTIONS

Two Public Questions had been received.

Question from Andrew Douglas

Today's report on damp and mould in rented housing states the lack of available housing as one

of the contributing factors. A recent Bucks Free Press article states that Buckinghamshire now has 678 fewer social homes than it did 10 years ago and that includes the 16 built last year. Clearly the present system is failing to deliver the warm, dry, cheap to heat social homes that are so desperately needed. What does Buckinghamshire Council intend to do to ensure this decline is reversed so that in the future damp and mould free social homes are available to all those who need them?

Response from Councillor Mark Winn, Cabinet Member for Homelessness and Regulatory Services

The Council is committed to maximising the delivery of additional good quality affordable rent housing. During 2021/22, nearly 500 additional new rented social housing properties were delivered in Buckinghamshire by Registered Providers working alongside the Council. (The difference between the figure in the Bucks Free Press Article quoted in the question of just 16 is because they were referring only to properties that were available at the social rented level, whereas the majority of new Registered Provider rented properties are delivered using the Affordable Rent model. Hence we had 500 new properties delivered overall).

In 2022, the Council adopted an Interim Position Statement on Affordable Housing which set out the Council's broad approach and immediate commitment to working with house builders and Registered Providers to maximise the delivery of general needs affordable housing. This included a commitment to bring forward a development on a Council owned site that could provide affordable housing, potentially with an element of specialist affordable and key worker housing, and this is now being explored on the former Sports and Social Club site at Stoke Mandeville and other sites are being investigated in Horns Lane High Wycombe Tatling End in Denham. The Council's recently adopted accommodation strategy may provide further opportunities for exploring sites that could include affordable housing.

The Interim Position Statement is underpinning the current development of the Council's new single Housing Strategy which will provide the framework going forward for the Council's approach to maximising the delivery of new affordable homes. The initial draft of the strategy is currently being finalised and will be brought forward for public consultation in due course. Alongside this, the Council's Planning Policy approach to securing affordable housing will be a key consideration in the current work developing the Buckinghamshire Local Plan for adoption in 2025.

Question from Councillor Mark Cole JP, Chairman of the Planning Committee, Buckingham Town Council

Although Buckingham currently has no unmet housing need under VALP, can the Select Committee give an indication how much housing need it forecasts under the emerging Local Plan for Buckinghamshire, bearing in mind that the Secretary of State for Levelling Up Housing and Communities stated on 6th December 2022 that he has conceded that the 300,000 pa national housing target is being dropped, and local authorities will be allowed to build fewer homes if they can show that hitting centrally imposed targets would significantly change the character of their area?

Pushing more houses up to North Bucks would have the same despoiling effect on its rural and agricultural nature as it would have on South Bucks Green Belt/Area of Outstanding Natural Beauty in terms of significantly changing its character.

Response from Councillor Peter Strachan, Cabinet Member for Planning and Regeneration

There is still considerable uncertainty about the approach Buckinghamshire should take to assess the need for housing here and how growth should be distributed across the Council area. This is because the government is going through a process of considerable change to the planning system and because evidence being prepared for the Local Plan is at an early stage.

One of the four 'tests of soundness' which local plans need to pass at their independent public examination is for them to be 'consistent with national policy'. That is defined as enabling the delivery of sustainable development in accordance with the policies in the government's National Planning Policy Framework (NPPF) and other statements of national planning policy, where relevant.

The current July 2021 version of the NPPF is under review. The government is consulting on some proposed changes to the NPPF which it says will be confirmed in a new interim version of the document that it will publish in spring 2023. National planning policy is therefore in a state of flux.

National policy as it stands is that councils that are preparing local plans should determine the minimum number of homes that are needed over the period of their plan. This process should be informed by a local housing needs assessment, conducted using the government's 'standard method', a statistical formula for calculating local housing need – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

Applying the government's 'standard method' to Buckinghamshire gives a figure of 2,861 homes needed each year over the 10-year period 2023 – 2033. This represents an unconstrained assessment of the number of homes needed without reference to any environmental constraints or policy designations. It is also merely the starting point for establishing a housing requirement figure (or housing target) in the local plan and preparing policies to meet this, such as housing site allocations. It is not mandatory and should not properly be regarded as a centrally-imposed top-down target.

Work on the Local Plan for Buckinghamshire is at an early stage. The Council's Planning Policy team is shortly to begin the site assessment process for the 1000-plus sites which have been gathered through the three 'call for sites' consultations and through other sources of data. This assessment will inform a Housing and Economic Land Availability Assessment which will consider the suitability (environmental constraints), availability (when) and achievability (any viability issues) of the sites.

Until this assessment is completed, which is likely to be after the government has published a revised version of the NPPF, there will be no reliable, up-to-date evidence in place on the amount of land, and its capacity to accommodate new homes, in Buckinghamshire that is both available and suitable to be considered for potential inclusion within the Local Plan. Without this evidence, it will not be possible to determine the Local Plan's response to the theoretical level of housing that is assessed as being needed over the plan period.

5 HOUSING STANDARDS

The Chairman welcomed Councillor Mark Winn, Cabinet Member for Homelessness and Regulatory Services, Lisa Michelson, Service Director, Economic Growth and Regeneration and Jacqui Bromilow, Head of Environmental Health & Trading Standards to the committee meeting.

CLlr Robin Stuchbury submitted a question for the Cabinet Member and Officers to consider.

Properties with Damp and Mould are being rented within the local authority, am I correct there is a statutory duty to repair the structure and keep the external part of a dwelling in good repair & proper working order?

Under Section 11 of the landlord tenant act 1985, obligations on the landlord requires a time limit for section 11 repairs. Many of these obligations were set out in October 24, 1961 in respect to keeping a property in good order.

The HHSRS (Housing health and safety rating system) definition of hazard comes under housing in the health and safety rating system, of which damp and mould in a property are both within the housing unit and within the rating systems.

I seek assurance that the local authority has the resources to, where necessary, seek & enforce removal of damp within properties, noting how harmful this is to growing young people and vulnerable adults within Buckinghamshire.

If the authority does not have the powers to enforce, especially within social housing & private rented housing robustly. Who's best placed to protect and defend all Buckinghamshire constituents within property which is rented within Buckinghamshire, both in private and public rent sectors? Noting the aspirations within the report before your committee today, please could I have clarity around these questions I ask as a Buckinghamshire councillor regarding damp within socially rented properties.

Information quoted within the question, I've provided the evidence to legislation attached, <https://commonslibrary.parliament.uk/helping-tenants-with-damp-and-mouldy-housing-england/>

<https://www.gov.uk/government/news/regulator-of-social-housing-writes-to-social-housing-landlords-on-the-issue-of-damp-and-mould>

Response from Councillor Mark Winn, Cabinet Member for Homelessness and Regulatory Services

Following the tragic case in Rochdale, Buckinghamshire Council has seen a large increase in requests for service relating to issues of Damp and Mould compared to previous comparable winter periods. This increase has also been seen nationally within other councils. Whilst the increase in demand in this area of work has put the Environmental Health service under pressure, it has managed to respond to all requests for service regarding damp and mould. As stated in the report the council will be reviewing our future needs in line with the heightened awareness that residents have around housing standards and their rights along with the demands of future legislation which are being proposed. The council is a key enforcement agent with respect to housing standards and has responded as required to cases it has been made aware of. There are some legislative proposals to extend the powers of the Housing Ombudsman and the Social Housing Regulator and we await more information regarding how our enforcement duties will work alongside these organisations.

The Council has a statutory duty under the Housing Act 2004 to investigate complaints of disrepair within properties, and to take enforcement action in line with the Council's Enforcement Policy where there is a significant hazard affecting the occupiers (if any). An inspection would be undertaken by an officer competent in the HHSRS (Housing Health and Safety Rating System) which lists 29 hazards that should be assessed, of which Damp and Mould is just one.

Once an inspection is complete the officer will determine the most appropriate course of action for that property. There are a range of options available. One option is the service of an Improvement Notice. If this is not complied with the council has a power (not a duty) to undertake the necessary works and make arrangements to recover the costs incurred. All action must be appropriate and proportionate, and the Council will work with all landlords and owners to ensure they are aware of their duties in terms of keeping property in good repair. Failure to comply with Statutory Notices is an offence, and further legal action may be taken if appropriate to do so and the legal evidential threshold is met. In some cases, no formal enforcement action is required.

It must be remembered the contract is between the landlord and tenant and the role of the council is an escalation route for tenants to get matters resolved where the landlord has failed to do so. The council should not be managing properties on behalf of the owners. The Landlord and Tenant Act 1985 and the Homes (Fitness for Habitation) Act 2018, give further recourse to tenants under the civil law to take their own action in court to require landlords to undertake repairs and to maintain the condition of the property.

The link between poor housing conditions and ill health has long been documented. It is recognised that the work to improve housing conditions is vital to prevent poor physical and mental health across all age groups and vulnerabilities. The Council continues to work with partners across Primary care and Social care to identify the most vulnerable cases, and is seeking through the Opportunity Bucks strategy to strengthen and expand this preventative work and to address Health inequalities in this area.

Cllr Mark Winn, Lisa Michelson and Jacqui Bromilow presented the report to the committee and took questions from Members.

The following points were highlighted from the report:

- The process for Council intervention in a case of Damp and Mould was explained. Complaints should go to the Landlord in the first instance and where issues remain unresolved the Environmental Health team at Buckinghamshire Council gets involved. The primary way to contact the Environmental Health team about this issue was online via the [website](#).
- The roundtable meeting held by the Cabinet Member with Housing associations was successful. Best practice was shared, and the ongoing efforts by those present to address the issue was examined (e.g. visiting maintenance workers looking out damp and mould).
- Ventilation was key in prevention. Tenants were advised to open windows where possible. It was noted that Tenants are not blamed for the presence of damp and mould in a property.
- There had been a big increase in demand for the Environmental Health services following the news of the death of Awaab Ishak in Rochdale. These were being triaged based on priority.
- When an inspection is undertaken, a Housing Health and Safety rating system (HHSRS) is used to judge the property. There were 29 listed factors, e.g. damp, mould, excess cold/heat. There were a range of enforcement options available, including an emergency prohibition notice, meaning the property cannot be lived in until matters are resolved. There was also the possibility of an improvement notice, outlining actions need. Where the Landlord has begun repairs, no enforcement action may be needed.

During discussion, comments and questions raised by the Committee included:

- It was noted that if a tenant informs the team of issues with money, the Environmental Health team will direct them to the Helping Hands scheme or to debt advisors where appropriate.
- The Registered Providers that attended the roundtable meeting engaged well, and the missing Registered Provider had been contacted. It was suggested that Registered Providers are invited to a future meeting for the committee to discuss the importance of successful partnership working with the council.
- Cllr Thomas Hogg mentioned a specific case where a tenant was having difficulty with their registered provider and not getting a resolution to their matter which included broken windows. Following the meeting, the Cabinet Member reported that *'we checked on resolution of this case and can confirm that a compliance notice was put in place on the property. So although action was taken, this fact was relayed to the local MP, but was in error not copied to the Cllr. So hopefully there is an assurance the matter was responded to quickly and appropriate enforcement action was taken'*.
- A Member noted the work being done by the Environmental Health team on the triage system and identifying where more help was needed. It was suggested that the Cabinet Member and team return to the Select Committee before winter to update the committee. The Cabinet Member confirmed they would return to the Select Committee in the Autumn.
- It was clarified that when Tenants are advised to open windows, this would only need to be for a short amount of time to allow moisture in the air to clear. Trickle vents on windows and opening windows a few times a day should be adequate (dependent on the housing situation) to prevent/manage mould. Advice was available on the [Buckinghamshire Council website](#).
- If someone wished to report an issue with damp & mould, they should make contact with the Environmental Health service.

6 UPDATE ON KEY PLANNING, TRANSPORT AND REGENERATION STRATEGIES ALIGNMENT

The Committee received an update from Councillor Peter Strachan, Cabinet Member for Planning and Regeneration, Cllr Steve Broadbent, Cabinet Member for Transport, Ian Thompson, Corporate Director, Planning Growth and Sustainability, Steve Bambrick, Service Director, Planning & Environment, Darran Eggleton, Head of Planning Policy and Compliance, John Cheston, Planning Policy Manager, and Rosie Brake, Planning Policy Team Leader.

The following points were highlighted:

- It was clarified that under item 6 on the agenda front sheet, it should read 'regeneration strategies', not 'infrastructure plan'
- In addition to the plans listed, various other schemes worked in collaboration with the Local Plan, Transport Plan & Regeneration Strategies, such as the Local Nature Recovery Strategy and Design Codes. The interdependencies were consistently assessed to ensure compatibility and that good practice was being followed.
- The new Transport Plan being produced was the 5th Local Transport Plan (LTP 5), a new LTP was produced every 10-15 years. Intelligence was gathered to assess the priorities of movement of people and goods in intra-authority and inter-authority areas.
- Buckinghamshire Council was still awaiting final guidance on LTP 5 from the Department for Transport. This guidance was required before they could fully consult. Funding for projects was decided on a case by case basis with appropriate DfT indications. Given the nature and cost of transport schemes, there will be a need to draw on external funding in many instances.

During discussion, comments and questions raised by the Committee included:

- Where major works/movements were conducted, in line with the asset management policy, the road was inspected and defects were dealt with accordingly.
- In preparing the Local Plan, transport links are considered when looking at areas for large scale development. The Local Plan can't fix historic problems. Where it is possible, roads/infrastructure are built prior to housing, however this won't always be the case.
- Policy requirements contained within the current Local Plans remain in place until overtaken by the new Buckinghamshire Local Plan. The Council is committed to following up on any infrastructure requirements contained within current Local Plans. Going forward, these allocations and requirements would be considered in the formulation of the new Buckinghamshire Local Plan.
- A Member mentioned that Luton Airport had been looking to increase employment opportunities within Buckinghamshire. The LTP would examine the needs of residents as well as cross-boundary opportunities in its formulation. Research would be undertaken to identify where residents need to travel for work and how best to develop transport links. There is a legal duty to cooperate when preparing the Local Plan and Local Infrastructure Plans, as such the Council ensures their strategies are coherent with other Local Authority strategies.
- It was clarified that when planning permission is granted, conditions or requirements only apply within the application site. This red line can limit the ability of conditions to stop incidents such as pavement damage outside the area of the planning application site.
- Where a planning application requires infrastructure delivery, the developers are not always able to deliver this up front. Viability of arrangements such as a requirement for infrastructure delivery prior to the development would need to be balanced appropriately. Ultimately, the independent inspector would need to assess that the Buckinghamshire Local Plan can be delivered by the development industry.
- It was noted that while property prices in Buckinghamshire were notably higher than other areas, the cost of building the house was not considerably higher than other areas. Developers looked to build within Buckinghamshire as it was more profitable.
- The importance of developing a complete Local Plan on time was highlighted. This was necessary to ensure that the right kind of developments were approved, e.g. truly affordable housing.
- When consultation questionnaires are sent to Parish/Town Councils asking for similar types of information, they are aligned to go out at similar times, e.g. the Local Plan and LTP consultation requests.
- Neighbourhood plans, when adopted, carry full weight within the planning decision process. Communities can benefit from the production of a neighbourhood plan and Town/Parish Councils looking to create one were encouraged to look at the [Council's website](#) and get in touch. Neighbourhood plans can be very useful in highlighting things that are important in their local areas, it provides an element of control about where growth goes, in turn shaping their local community. They also provide an extra defence against speculative planning applications.
- When the Buckinghamshire Local Plan is adopted, it will take precedence over Neighbourhood Plans that were completed before its adoption in the event of any conflict. The new Buckinghamshire Local Plan would take into account what was in those previously adopted Neighbourhood Plans. Neighbourhood Plans would probably need to be refreshed following adoption of the Buckinghamshire Local Plan to ensure they're up to date and hold full weight within the planning process.
- Modern design standards would be applied to new infrastructure and developments e.g. cycle lanes would be segregated from the road where possible. The new Plans would align with the Local Cycling and Walking Infrastructure Plan to improve connectivity across the county.

- It was noted that work was underway on a Parking review and Parking strategy. This would feed into work on the LTP. The Climate Change strategy would also contribute to future transport provision. EV charging points would be important for the future as electric vehicles rollout. Considerable work had been done on the Electric Vehicle Action Plan, Members were encouraged to review the update given to the [Transport, Environment & Climate Change Select Committee on 3rd November 2022](#).

7 PLANNING ENFORCEMENT UPDATE

The Chairman invited Cllr Peter Strachan, Steve Bambrick, Service Director, Planning & Environment, Darran Eggleton, Head of Planning Policy and Compliance to give an update on Planning Enforcement.

The following points were highlighted:

- The Planning Enforcement service was important to local residents, and there was a very high level of performance reported across the team.
- The team was fully staffed, having recently filled 5 new posts. It was noted many other authorities struggled to fully staff their Planning Enforcement service and faced unmanageable workloads.
- Buckinghamshire was in the top 4 local authorities in the country for number of enforcement notices issued. While the level of appeals was high, the success rate of the service in defending these appeals was also very high. At the time of the committee meeting, there were 78 appeals reported in the overall process, with 43 in the determination phase.

During discussion, comments and questions raised by the Committee included:

- How best to keep Members updated on the success of the enforcement service was to be reviewed by the Cabinet Member. Members of the committee were keen to have up to date information to disseminate to Parish Councils and residents as necessary.
ACTION: Cllr Peter Strachan
- A new reporting form for planning breaches was to be released in the month following the committee meeting. This form was more user friendly and combined the 4 different previous forms into a single one.
- Communication with complainants was being worked on to ensure that customers are informed at all steps of the planning enforcement process. Members were encouraged to contact the team if they were unsure of the progress of a case.
- The Planning Enforcement Team was always looking at new ways to improve the process. Due to the nature of planning enforcement cases, it was hard to speed up the turnaround of cases.
- Buckinghamshire Council had responded to the government's consultation around the Levelling up and Regeneration Bill highlighting the length of time planning enforcement cases take. It was reported that cases can take years due to legal requirements, despite the best efforts of the enforcement team. Due to these legal barriers, sometimes the impression is that nothing is happening on an enforcement case, despite the correct processes being followed in a timely manner.
- Members of the public can help the process where they feel comfortable by providing photographic evidence of planning breaches.

- The Committee expressed their gratitude for the hard work performed by the Planning Enforcement team.
- The Cabinet Member clarified that quarterly developers forum's take place ensuring a constant dialogue with developers. The Council's reputation as a planning enforcement authority could be assisted by local Members managing expectations.

8 WORK PROGRAMME

The Chairman noted the agreement of the Cabinet Member to return to the Select Committee prior to Winter 2023 to further update the committee regarding damp and mould. Attendance from Registered Housing Providers to scrutinise their work was suggested as a future topic for the committee.

A scope was being drafted for a review into the legacy of 'everyone in' and homelessness within Bucks. Cllr Thomas Hogg had volunteered to chair the review group. The Scrutiny Officer would circulate the scoping document to the committee when complete.

9 DATE OF NEXT MEETING

The next meeting would take place on 6th April 2023 at 10.00 a.m.