

<u>MEETING</u> COUNCIL
<u>DATE AND TIME</u> TUESDAY 23RD SEPTEMBER, 2014 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
10.1	REPORT FROM CONSTITUTION, ETHICS AND PROBITY COMMITTEE	1 - 4
14.1	COUNCILLOR SHIMON RYDE - PROPOSED INTRODUCTION OF AN ARTICLE 4 DIRECTION IN RELATION TO HMOS	5 - 6

Maria Lugangira 020 8359 2761 maria.lugangira@barnet.gov.uk

This page is intentionally left blank

Council: Tuesday, 23 September 2014

10.1 - Report from Constitution Ethics and Probity Committee

AGENDA ITEM 10.1

Amendments in the name of Councillor John Marshall

(i) That in the Terms of reference of General Functions Committee at Appendix H (page 66 of report), the proposed bullet point 'request a ward boundary review by the Electoral Commission' should read 'request a ward boundary review by the Local Government Boundary Commission for England'.

(ii) That changes to Section 13 of Appendix M, Access to Info Procedure Rules, (pages 137 to 138 of report) be not adopted and the issue be referred back to the next meeting of CEP on 25 November 2014.

This page is intentionally left blank

Council: Tuesday, 23 September 2014

10.1 - Report from Constitution Ethics and Probity Committee

Amendments in the name of Councillor Alison Moore

1. Responsibility for Functions 6.8 p42

That under All Committees the Number of members required, add the words '3 where the Membership is less than 9 and' so that the full text reads:

'3 where the Membership is less than 9 and 4 where the Membership is 9 or more'

2. Recommendations:

Add as follows:

- 1.1 That in order to maintain the integrity of the democratic process in Barnet, Council instructs the Constitution, Ethics and Probity Committee to bring back proposals to abolish the Leaders Panel and form a politically neutral, cross Party Committee, to be exempted from political balance calculations and proactively consider the appointment of an independent Chair for that Committee.
- 1.2 That in order to streamline the governance structure Council instructs the Constitution, Ethics and Probity Committee to bring forward proposals to reduce the number of Commissioning Committees from 8 to 6.
- 1.3 That in order to increase public engagement with the democratic process the Constitution, Ethics and Probity Committee bring back proposals for a full public question time at Full Council.

This page is intentionally left blank

Council: Tuesday, 23 September 2014

Motion: Councillor Shimon Ryde

Proposed introduction of an Article 4 Direction in relation to HMOs

AGENDA ITEM 14.1

Amendment in the name of Councillor Jim Tierney

Add after the third sentence:

Council is also concerned about the health and safety of HMOs that are not subject to planning permission, and believes protecting people living in HMOs is easier if they are all subject to planning permission.

Substantive to Motion read:

Council notes the proliferation, across the borough, of residential properties being used as houses in multiple occupation (HMOs). Existing dwellinghouses (Planning Use Class C3) can be converted to a HMO (Planning Use Class C4), which provides shared accommodation for three to six unrelated individuals as their only or main residence, without the need for planning permission.

Concerns have been expressed by residents living near HMOs regarding excess noise, parking problems, forests of "To Let" boards, untidy gardens and refuse problems. **Council is also concerned about the health and safety of HMOs that are not subject to planning permission, and believes protecting people living in HMOs is easier if they are all subject to planning permission.** The Council notes these concerns, as it does the loss of family accommodation through houses being used in this way.

The introduction of an Article 4 Direction removing permitted development rights for change of use from C3 dwelling houses to C4 HMOs will bring this use under the direct control of the Council and in line with the requirement for planning permission for change of use for larger HMOs of more than six unrelated individuals. Once designated, an Article 4 Direction maybe implemented with an immediate or non-immediate effect.

Council notes that the implementation of an Article 4 Direction with an immediate effect would leave the Council at high risk of compensation claims from applicants for HMOs, who may be able to submit a claim for compensation within 12 months of an Article 4 Direction designation under section 108 of the Town and Planning Act 1990 (as amended). There is, however, no provision for compensation claims in respect of non-immediate Article 4 Directions that come into effect after a minimum 12-month period following designation. It is therefore considered prudent to introduce a non-immediate Article 4 Direction designation which has the added benefit of allowing proper public notification of this planning change.

Council further notes the work being undertaken on HMOs by the Housing Committee and will take account of this when implementing planning controls.

Council instructs officers to establish a robust evidence base outlining the impact of HMOs in order to support the introduction of a borough-wide Article 4 Direction removing permitted development rights for change of use from C3 dwellinghouses to C4 HMOs, which is to come into effect after a minimum 12-month period following designation. Officers are invited to bring forward proposals to mitigate the adverse effects of HMOs, in line with any forthcoming recommendations of the Housing Committee.

Under Full Council Procedure Rule 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.