

Transactions of the

Nottingham **A**ction **G**roup on HMOs

January 2010-March 2012

**National
Nottingham
Neighbourhood**

**News
Views
Information
Action**



The *Liburnija*: photograph courtesy of & ©Andreas Rose, www.marinetraffic.com

Part I: Controlling HMOs

Part II: Nottingham & Neighbourhood

This issue of the magazine is dedicated to:

*The Liburnija and her officers and crew, past and present,
wherever she and they may be*

– Sretan put i mirno more –

Also the helmsman who keeps my ship on course

And the 'good companions' I've met along the way

This voyage of the Liburnija is for all of you

ACKNOWLEDGEMENTS

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would like to thank:**

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Everyone whose work we have reproduced.**

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for their efficiency in getting all our printing work done, often at very short notice;
and especially for always being nice, friendly people.**

EDITOR'S NOTE:

By and large, this issue of the magazine is a narrative. That the chapters of the story just happen to have fitted in well with the highlights of a voyage I made in 1970 on a ship called the *Liburnija* – very much in my thoughts as I began put together the issue – was fortuitous as it solved the difficulty I had in how to carry the story from its beginning in January 2010 through to March 2012.

Although the printed magazine is in two parts, in this web version the whole has been assembled into one document. There have been other changes. To reduce the file size, a number of the photographs, a map, the notes about places visited (which had prefaced each chapter). and a good deal of formatting have been either removed or re-arranged.

However – and this is pure indulgence on my part – I have retained my recollections of and reflections on the *Liburnija's* voyage, though they have been taken from their original places as footnotes to chapters, and now form Part III, what is in effect the last, and contextually quite irrelevant, chapter of the document.

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We Need:

Your information, your ideas, your opinions.

They are important to us.

They govern what we do.

**We can use them to try and ensure that if what is being done is not working,
the universities, the students, the Council, the Police and other stakeholders
respond by formulating better policies and delivering better actions
... and do it quickly!**

We Are Seeking:

An Editor for the Magazine & for NewsDesk

A Manager for the Website

**If you are interested and want to know more, give us a call on 07762-525-625
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**The views and opinions expressed in this publication do not necessarily reflect those of the
Committee of the Nottingham Action Group on HMOs
We endeavour to ensure that our reports are accurate, but from time to time mistakes may occur.
If you feel we have made such an error, please let us know.**

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PART I: CONTROLLING HMOs

THE EDITOR'S RAMBLINGS SPINDRIFT



Gruž Harbour, Dubrovnik: photograph courtesy of & ©J.R.Fletcher

*The Owl and the Pussy-cat went to sea
In a beautiful pea-green boat. ...'*

[Edward Lear]

Almost the earliest of my memories is the first time I went to sea. I was four years old, or thereabouts. The place was the quayside at Port Said in Egypt. The boat was a tender preparing to take us (my father, mother and myself) out to the *Empress of Australia* en route for Liverpool.

The story, as recounted by my parents, is that I was gently handed down from the quayside. My recollection is of being dropped from a considerable height into the arms of a man in a white uniform with an impressive amount of gold braid on his shoulders, and thence to his comfortable and safe lap, where I stayed until we reached something incredibly huge and black that towered up and up and up and up beyond the extremes of my vision, and which must have been the *Empress* herself.

Anyway, as the family was wont to believe, this early encounter, and that I'd often played in the office of a renowned Egyptologist at the Cairo Museum – sadly not

a memory I retain – was at the root of a dream of ships, seas, voyages, and things ancient. Some twenty years later, pursuit of that dream found me on a valporetto chugging along the Grand Canal past the fading, peeling and damp splendours of what had once been the Most Serene Republic of Venice.

The valporetto travelled past gondolas bobbing up and down in its wake; past St. Mark's Square; past the beautiful, raking lines of one white cruise ship after another, further and further down the Riva degli Schiavoni.

So far that not only had I just about given up wondering whether the next ship was going to be 'mine', but that my relief when I did see the words – '*Liburnija Rijeka*' – painted on the stern of the very last one in sight, meant that I just didn't notice that hers were the stubby, ample, business-like lines of another class of vessel altogether.

It wasn't until some time later, when looking for a quiet place on deck from which to watch Venice sinking below the horizon I got talking to one of her officers, that I

discovered the *Liburnija* was a lady who wore more than one guise. As a Ro-Ro car ferry she travelled a pedestrian route back and forth across the Adriatic from Ancona in Italy to Zadar on the Croatian coast. But when, as now, required to do so, she could transmogrificate herself into an intrepid voyager to the distant shores of different countries, and even different continents.

But I'm getting somewhat ahead of myself.

Now that I look back on my last Ramblings, it does seem that maybe I'd hitched a lift with a Time Lord whose Tardis took me on a journey from 2009 and my computer's 'hissy fit', to 1969, Apollo 11 and the first moon landing, then on to 1990 and the Hubble Telescope launch, before finally jettisoning me, very firmly back in the early days of January 2010 wondering: What next?

What indeed? Government, whose consultation on possible changes to planning legislation had been one of the dominant threads of the last magazine, was still showing no signs of producing a report on that consultation.

In December 2009 I'd written that '*Time is passing and there needs to be a conclusion to this matter before decisions and actions are overtaken by the paralysis of General Election fever.*' It was now 2010. Christmas and New Year were long gone and the post-Festive Season gloom didn't make it any easier to resist the temptation to think that paralysis had already set in; that the consultation report, if it existed at all, would never see the light of day, and that years of campaigning had come to nothing.

It was on one particularly melancholic morning, as these threads of unwanted thought wove a more and more compelling web, that the Tardis, re-materialising once again in the form of my computer, tempted me away from the here and now.

The previous journey, only recently completed, had taken me back 40 years. So it's not all that surprising that now the time frame just moved forward from 1969 to 1970. From the hype accompanying the launch of Apollo 11 to that, largely unremarked upon, of Apollo 13.

However, 1970 was also the year of demonstrations against the Vietnam War, high-jacking by the PFLP of planes to Dawson's Field in the deserts of Jordan, the death of Gamal Abdel Nasser, decimalization, the last Beatles album, *Nijinsky* winning the 2000 Guineas, Derby and St. Leger, and And it was the year when my long-held ambition to visit the Classical sites of Greece and Asia Minor brought me to La Serenissima and a rendezvous with the *Liburnija*.

On that dreary January morning in 2010, with a blank computer screen in front of me, it was easy for the thought: '*I wonder what's happened to her?*' to take root. And so began a hunt through the internet for the *Liburnija*.

That hunt, where it took me and the memories it evoked, have been a welcome theme playing along in the background while the long saga of 'What next?' has led so often to another long and frustrating hiatus between one set of political machination and vicissitude and the next. Mostly, it is why the *Liburnija* and my voyaging with her are the theme tying together this issue of the

magazine. But, there is another reason: the hope that, like spindrift blowing across the surface of waters sometimes becalmed, sometimes turbulent, seldom well-charted, they will provide light relief from what I accept is definitely not an easy read.

At this point it might be as well to give you some idea as to what this issue of the magazine is all about. Rather neatly, the story has divided itself into a 'game of two halves'. *Part I: 'Controlling HMOs'*, is very much about matters to do with HMOs and HMO legislation centred on the politics of and decision-making in Westminster. Inevitably, the same thread (HMOs and controlling them) also runs through *Part II: 'Nottingham & Neighbourhood'*. However, in Part II the focus is very much on local issues and the parts played out on the local scene by council, universities, students, landlords and, of course, the people whose homes for 52 weeks of the year are in our neighbourhoods.

I apologise for the length and detail of the story, and the fact that I return to the main theme again and again. However, as I reiterate later, the narrative which follows is the result of a paper chase through e-mails, internet sites and news reports. It is an attempt to chronicle events, give insights into what went on nationally, as well as in Nottingham, from January 2010 to the present, and by doing so to give you the best chance I can to judge the decisions made and assess their consequences.

And I hope it's not all hard work and dry fact. In Part II I've included a chandler's shop of items about our universities, Unipol, the City Council, housing and planning, what can be done about untidy gardens and rubbish, letting boards, students, our neighbourhoods, and updates from the National HMO Lobby, and the NAG.

In amongst all that, I've also offered you a place at *The Captain's Table*: new recipes which are there for you to try and to enjoy.

In fact, I hope you'll see this issue of the magazine as a confection you can cut slices off whenever the mood takes you, and not something you feel you have to plough through before reaching for the indigestion pills!

Well, we have to start somewhere so, if you will, join me on the deck of the *Liburnija*.

It's Saturday, 19 September, 1970. The recognisable features of the Venetian skyline are a thinning dark line against the slowly fading colours of the western horizon.

The water under the ship's bows as she begins to clear the Lagoon is changing in colour from the murky greenish-yellow of poor quality jade to a deep, clear, almost solid blue, and the Adriatic stretches out empty to the eastern horizon. The vibrations of the engines, transmitted from metal and deck timber to hands and soles of feet, aren't dissimilar to the purring of a large cat. The wind, really no more than a slight breeze, and that mostly of the *Liburnija's* own making, smells of something familiar, remembered but not clearly: salt-laden air, the warm smell of diesel oil?

Overhead, a solitary sea gull turns above the radar on the mast before heading back past the stern towards land – our voyage has begun.

[Editor, 9 February 2012]

VENICE TO KORČULA

MINISTER ANNOUNCES POWERS TO CONTROL HMOs

27th January 2010



Bronze Horses, Basilica of St. Mark, Venice

*'Now is the winter of our discontent
Made glorious summer by this sun of York;
□ And all the clouds that lour'd upon our house
In the deep bosom of the ocean buried. □ ...'*

[William Shakespeare, Richard III]

There are times when I reckon that e-mail is one of the banes of my life, and others when I wouldn't want to be without it. One of the latter was late morning on Wednesday, 27 January when Richard Tyler forwarded a message from an Oxford member of the National HMO Lobby saying that BBC TV Oxford had alerted them to the fact that the Minister for Housing, John Healey, was coming to Oxford. Rumour had it that he would be making an important announcement about HMOs.

Was this the long-awaited result of last summer's consultation on HMOs & Possible Planning Responses? Or just another false alarm in an endless winter?

Almost immediately after that message came through, another one hit my in-box, this time from Alan Simpson's office here in Nottingham confirming that an announcement was imminent.

To quote Richard Tyler at the time: "The suspense is killing me!"

By lunch-time our colleagues in Oxford were reporting that the announcement had been 'immensely positive' and that both of the National HMO Lobby 'requirements seem to have been met.'

However, at that point the sensible reaction to the news had to be: "Don't know whether I dare believe it!"

By mid-afternoon, though, the rumours had been confirmed and Richard was able to send out an e-mail that read: "At lunchtime today, in Oxford, Minister John Healey announced new legislation on HMOs! See the press release Ten years' campaigning have at last paid off. Thanks to colleagues in Oxford who passed on the news. Cheers (and I really do mean 'cheers')".

Even so, after an emotional rollercoaster of a day, it wasn't at all surprising that Richard's final e-mail to me that evening echoed my own emotions: "Can't really believe it!"

The next day Richard wrote: "Ten years go, the National HMO Lobby was set up, and for the past decade the Lobby has campaigned for planning controls on HMOs. Yesterday we achieved our objectives!"

"On a visit to our colleagues in Oxford, the Minister, John Healey, announced that there will be (a) a new planning definition of HMOs (similar to the housing definition); and (b) a change to the Use Classes Order so that conversion to HMO counts as a 'change of use' and therefore requires planning permission. The new measures are due to come into effect in April. ..."

April was not so far away and, for a while, the dreariness of winter had indeed gone.

[Editor]

KORČULA CONTROLLING HMOs



Panorama of Korčula Town: photograph courtesy of & ©www.korcula.net

MINISTER'S WRITTEN STATEMENT

Minister for Housing (John Healey):

Today I am announcing measures to give local authorities powers to manage better the quality and supply of private rented accommodation in their areas and to promote better balanced communities in local neighbourhoods. The private rented sector has an important, and growing, role in the housing market. This Government wants to support the private sector. But, as well as a bigger sector, we want a better sector with standards that meet the needs of those who depend on private rented accommodation.

Local authorities need to be able to plan for the right housing mix and deal effectively with problems as they arise. Such problems can include antisocial behaviour, poorly maintained and dangerous properties, and pressures on community services.

The Government recognise the important contribution houses in multiple occupation make to the private rented sector. They provide housing to meet the needs of specific groups and households and make a contribution to the overall provision of affordable housing stock. However, localised problems caused by high concentrations of HMOs have been highlighted as concerns in some towns and cities across the country.

Following research to look at the issues we set out a number of options to deal with this problem in a public consultation paper, *"Houses in multiple occupation and possible planning responses"*.

In the light of the responses to this consultation I have decided to amend the Town and Country Planning (Use Classes) Order 1987, as amended, to provide for a specific definition of an HMO. Planning permission will then be required, where a material change of use occurs, to change the use of a property from C3 dwelling house to an HMO.

At the same time as amending the Use Classes Order, I will amend the Town and Country Planning (General Permitted Development) Order 1995, as amended, to provide that a change from an HMO back to the C3 class dwelling house will not require planning permission.

The consultation responses and research work have indicated that good practice alone cannot solve the

problems encountered in a number of communities. This measure is strongly supported by responses to the consultation and it will enable local planning authorities to identify new HMOs with more certainty and act in particular neighbourhoods where there is concern about the mix and balance of communities and concerns about standards of conversion and maintenance of properties, to improve community balance.

I intend to introduce the necessary secondary legislation in time for it to come into force on 6 April 2010. A summary of responses to the consultation, which includes a statement of the Government's intention, is being published today.

I can also announce the publication today of a short consultation on potential changes to the consent regime for discretionary licensing schemes under the Housing Act 2004. The licensing provisions under the Housing Act 2004 represent another local power available to local authorities in tackling problems associated with HMOs and other privately rented accommodation. I propose the introduction of a general consent, enabling local authorities to introduce discretionary licensing schemes without seeking approval from my Department. I believe it is right that these local decisions should be made by those who know their area best and who are directly accountable to local communities. The consultation will close on Friday 12 March, and any future general consent will come into effect from the common commencement date of 6 April 2010.

I am publishing today also the second part of research undertaken by the Building Research Establishment for the Department in 2008 into the implementation of HMO licensing following the 2004 Housing Act. This shows emerging evidence of improvements to the condition and management of properties as a direct result of HMO licensing, although it also indicates that local authorities have still to complete the task of licensing all HMOs subject to mandatory licensing. I am therefore reviewing the support available to local authorities in relation to regulation of the private rented sector, including publishing draft guidance on licensing provisions, and will put in place any changes before the commencement of the new powers I am announcing today. This work is part of our programme of reform and support for the private

rented sector. We consulted last summer on a comprehensive package of proposals aimed at improving quality and professionalism in the sector and ensuring the best possible deal for tenants.

The proposed national register for landlords is a key element of the measures that we plan. By allowing local authorities to pinpoint private rented housing, the national register will give important support to local authorities seeking to use existing powers, including licensing, in a strategic and proportionate way.

The national register will also provide a mechanism by which landlords and tenants can be kept properly informed of their rights and responsibilities and by which tenants will, for the first time, be able to perform basic checks on potential landlords. More broadly, I want to ensure that all tenants have easy access to clear advice, and know where to turn when things go wrong.

I will be making a more detailed announcement on these and other proposals for the private rented sector shortly, including a summary of responses to our summer 2009 consultation following the Rugg review.

I am placing copies of the consultation document for discretionary licensing schemes, the HMO summary of consultation responses, the BRE report and the draft guidance in the Library of the House.

[Extract from Hansard, 27 January 2010]

COMMUNITIES & LOCAL GOVERNMENT NOTES

Note: In addition to the Minister's Written Statement to the House, his department (Communities & Local Government) produced a press release and notes which, amongst other things, provided an insight into the responses to the 2009 consultation on 'Houses in Multiple Occupation and possible planning responses'.

1. The consultation: 'Houses in multiple occupation and possible planning responses', closed in August 2009 and drew over 900 responses.

2. The responses have been published today and include the findings:

►94% of respondents said they'd experienced problems of the effects of HMOs. These included anti-social behaviour, litter, noise, problems with parking. Also issues around periodic occupancy and the knock on effects on retail, schools and health services.

►94% of those commenting felt that the promotion of best practice could not deal sufficiently with the problems associated with high concentrations of HMOs.

►84% of respondents commented that planning legislation should be amended. Around 98% of these favoured a change to the Use Classes Order either by amending the threshold or introducing a definition of an HMO.

►Towns and cities that have highlighted the issue have included Nottingham, Southampton, Loughborough, Leeds and Bristol. Coastal towns such as Blackpool also responded. Peterborough also identified issues with HMOs impacting on the local economy.

3. The change includes an amendment to the Town and Country Planning Act 'Use Class Order' to introduce a new class for HMOs. The changes will require landlords to obtain planning permission, where a material change of

use has occurred, for an HMO of three or more occupants who are not members of the same family and who share basic amenities. The threshold is currently set at six people. There are an estimated 400,000 plus HMOs currently in England. The existing stock of HMOs will not be affected by the change in legislation as they will have an 'established use' at the date the legislation changes.

4. The submission of a planning application allows the local authority to fully consider the impact of a development, i.e. whether there is sufficient car parking or there could be adverse effects on the local amenities. In order to manage HMO development, Local Planning Authorities will need appropriate policies in their local plan.

5. The 'Use Classes Order' is a piece of planning legislation which places developments into categories known as a 'Class'. The Use Classes Order groups categories that have a similar impact together into 'classes'. Planning permission is then required for some types of movement between the Classes, for instance if a house wants to change into a hotel or a shop into a restaurant. Changes between certain types of development are then allowed, without the need for planning permission, as they have similar impacts. For example, a change of use between a hairdressers to a travel agency would not require planning permission.

[Department for Communities & Local Government, Wednesday, 27 January 2010]

NATIONAL HMO LOBBY NOTES: CLG CONFIRM INTERPRETATION OF CHANGES

Note: Although John Healey's January announcement heralded changes to the legislation, it was not until the beginning of March that amendments to the Town & Country Planning (Use Classes) Order 1987 and to the Town & Country Planning (General Permitted Development) Order 1995 were published, along with confirmation that they would come into force on 6 April, 2010. The complexities of planning legislation being what they are, it was prudent of Richard Tyler to seek confirmation from CLG that the interpretation being put on the changes was indeed correct. That confirmation came at the end of March, and subsequently notes about the changes were sent to all National HMO Lobby members. Here I've distilled what I hope are the essential points. I'll end by drawing your attention to the last paragraph of Richard's message which makes it clear that any usage in excess of six residents already did require planning permission, and will continue to do so.

'... This amendment to the Use Classes Order provides a new and effective definition of HMO, and a requirement that new HMOs will require planning permission.

A crucial innovation is the addition to C3: **"Interpretation of Class C3: For the purposes of Class C3(a) 'single household' shall be construed in accordance with section 258 of the Housing Act 2004."** The Housing Act essentially defines a single household as a couple (married or not) and their immediate relatives (grandparents, siblings, children), or two or more immediate relatives.

Class C3a now says, **"Use as a dwellinghouse (whether or not as a sole or main residence) by (a) a single person or by people to be regarded as forming a single household."**

This is much the same as the present wording, but the crucial point is that **'single household'** is now clearly defined, and cannot include single individuals sharing a house. There is no limit to the size of the household.

Class C3b now says, **"Use as a dwellinghouse (whether or not as a sole or main residence) by b) not more than six residents living together as a single household where care is provided for residents."** This is similar to the present C3b, and is intended to cover small care homes (This was a specific concern in the HMO Consultation, Question 8.) It would not of course include shared houses.

Class C3c is new, and says, **"Use as a dwellinghouse (whether or not as a sole or main residence) by (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)."** This is a 'fail-safe' category. The Housing Act 2004 includes Schedule 14 which excludes some properties from the definition in Section 254 (for instance, 'any building which is occupied only by two persons who form two households'): such exclusions are accommodated in Class C3c. [The wording may lead to confusion: the description refers to residents 'living together as a single household' - but strictly speaking they are neither a single household nor a multiple household, as defined by the Act.]

Class 4 of course is entirely new. It says, **"Class C4. Houses in multiple occupation Use of a dwellinghouse by not more than six residents as a 'house in multiple occupation'."** HMOs are thus now located in their own Use Class, meaning that conversion of a C3 home to a HMO becomes a 'change of use', and therefore requires planning permission.

The key accompanying innovation is the note to Class C4: **"Interpretation of Class C4: For the purposes of Class C4 a 'house in multiple occupation' does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004."** This Section says, **"A building [or a part] meets the standard test [of a HMO] if the living accommodation is occupied by persons who do not form a single household"** (there are also other criteria in the 'standard test'). So there is now a clear definition of HMO in the Use Classes Order for England.

The threshold of six residents in C3 and C4 is carried forward from the previous UCO. The implication here is that any usage in excess of six residents is outside the recognised uses (ODPM Circular 03/2005), and therefore would require planning permission.'

[Extracts from E-Mail message from
Richard Tyler, Co-ordinator, National HMO Lobby,
March 2010]

'IT'S GOOD NEWS WEEK!' ...

It seems like a lifetime ago now, but in reality it isn't that long since a friend told me that for ordinary people to engender a change in legislation is very rare indeed, and how, if we did achieve the changes we had been campaigning for, we would be justified in feeling somewhat proud of ourselves.

It is one of the reasons why it seems appropriate to give a more detailed account than usual of the way in which the story developed from the time the news first started to come through to the useful clarification of what the fine print might actually mean in practice. Also, it gives some idea of the indigestibility of the verbiage associated with (in this instance) planning law,

and of the painfully slow and tortuous way in which the cog wheels of planning legislation had to be forced to turn.

Should we still need it, it's also a reminder of how much sheer dogged hard work and determination it took to reach what at that time we were beginning to hope would be the end of the national part of the story, though very much the beginning of our local story here in Nottingham, as indeed is hinted at by the last comment in the Charles Walker's article (*Ten Year Campaign Brings Progress*).

It's with more than a few misgivings that I've reproduced Charles's article here. Apart from anything else, its hyperbole doesn't sit at all well with me. That the NAG exists at all is down to the work of many individuals, all of whom in their own ways continue to play key roles in trying to preserve the future of their neighbourhoods. Furthermore, the NAG, as a member of the National HMO Lobby, is duplicated by other groups with much the same aims as ours in towns and cities across the UK. So, whatever changes have taken place nationally have come about as a result of the work of many people in many different localities, all of whom care about what happens in their neighbourhoods today, and who want to shape what those neighbourhoods will look like tomorrow.

But, on balance, I have decided to include Charles's piece because the tone of the article reflects the only slightly guarded optimism engendered by a spring day and the feeling that it was more than the gloom of a seemingly very long winter that was beginning to lift. Of course, with that wonderful thing called 'hindsight', there is another reason to include it. The basic precept – if you are prepared to accept things the way they are nothing ever changes – is a significant one, never more so than in the atmosphere of today's 'Big Society'.

However, before you read Charles's article, to set the record straight, here are some facts about how the NAG started.

There were three meetings that brought about the NAG. Around 50 residents came to the one with Alan Simpson MP in the summer of 2003. That was followed by a QMC-Residents Forum meeting in November 2003, where the agenda was turned over to the problems associated with our universities, their students and the impact they were having on our neighbourhoods. Well over a hundred residents turned up for that one. Finally, around 75 residents attended the inaugural meeting of the NAG in February 2004.

Be that as it may, the campaign for changes to national legislation started in Leeds in 2000 with the Leeds HMO Lobby. So, its only fitting that an extract from the April 2010 issue of *Headway* should finish off this part of what was even then developing into something of a saga of epic proportions.

[Editor]

TEN YEAR CAMPAIGN BRINGS PROGRESS

Maya Fletcher has been verbally abused on many occasions.

She has had plants in her garden uprooted and her car vandalised.

But she has never lost her resolve to fight for her neighbourhood and her community.

Ten years ago she became concerned Lenton, where she lives, was losing its character and declining as a result of the proliferation of rented, and largely student, housing.

A decline in local services and the appearance of properties, and an increase in rubbish, car parking and anti-social behaviour were among the most obvious signs of change.

"At the time we were told that if you were not happy with what was going on you were out of step with the

world," said Ms Fletcher. "You had to accept the way things were."

But Ms Fletcher did not accept it. She helped organise public meetings and joined forces with local Labour councillor David Trimble and communities in Leeds facing similar problems.

She set up the Nottingham Action Group on HMOs (houses in multiple occupation).

At the first meeting, more than 50 people turned up.

Since then Ms Fletcher has organised countless meetings; pursued, encouraged and cajoled politicians; objected to planning applications; complained to landlords; supported students to obtain a fairer deal and, when necessary, confronted them over their behaviour.

Now, along with similar campaign groups in other cities, as well as the support of the city council and Nottingham South MP Alan Simpson, she has achieved it.

"I would have said we would never have got here," admitted Ms Fletcher.

The law change will require landlords to apply for planning permission to convert family homes into houses in multiple occupation. The council will be able to withhold permission.

Ms Fletcher said: "I get frustrated and wonder why I am wasting my life on something like this but if you don't start something, nothing ever changes."

However, it is not certain the new legislation will have the effect desired by Ms Fletcher.

She said: "Even when the legislation comes into force it will need local policies to implement it properly. At the moment, they are not there."

[Charles Walker, *Nottingham Post*,
Monday, 1 March, 2010]

LEGISLATION AT LAST

Good news! We now have new laws on shared houses (houses in multiple occupation, or HMOs). They won't solve all our problems, by any means. But they give the Council new powers over HMOs.

When Leeds HMO Lobby was set up ten years ago, its main aim was to get a change in the law. Nearly every concentration of HMOs is a problem, and no, what's being done at the moment is nowhere near enough, and yes, we do need new laws on HMOs.

So the government could hardly refuse. In January, the Planning & Housing Minister, John Healey MP, announced that there would be new legislation. This was published in March, and took the form of amendments to what are known as the Use Classes Order and the General Permitted Development Order. And these laws came into force on 6 April.

They do the two things that the Lobby has been campaigning for locally and nationally.

- First, they provide a proper definition of what a HMO is: basically, it is a house shared by three or more people who are not related.

- Secondly, they make conversion from a family home to a HMO technically a 'change of use' - which means it needs planning permission.

(The new rules also mean that you don't need permission to turn a HMO back into a family home.)

So, from now on, all new HMOs need planning permission. ...

This is a great reward for ten years of campaigning by local residents!

[Headway, Issue No.32, April, 2010]

NOTE: 'Headway' is published by the Leeds HMO Lobby. You can catch up on what's happening in Headingley and its environs by going to their website at:

www.headingley.org.uk

KORČULA TO ITEA WHEN MARCH WINDS DO BLOW

*'When North winds do blow,
We shall have snow, ...'*

[Folk rhyme, origin unknown]

Note: March can be a fickle month and indeed another version of the folk saying begins: *When March winds do blow ...*. With hindsight, I suppose it was a rather naïve hope that with the formal implementation of the legislative amendments to the Use Classes Order and the Housing Act 2004 imminent, the proverbial dust would be allowed to settle.

On the 29 March, as reported in April's *NewsDesk*, just as Parliament was about to go into recess, an EDM (Early Day Motion) was tabled by David Cameron and members of the Conservative Party Shadow Government (including Grant Shapps, Shadow Minister for Housing) calling for the new legislation on HMOs to be rescinded.

At the February NAG open meeting with prospective parliamentary candidates for the Nottingham South Constituency, objections to the change to the Use Classes Order had been loudly and persistently voiced by a member of the audience who, it later transpired, is a Nottingham landlord and was a spokesman for a local organization representing landlords (EMPO).



The Bura, Korčula: photograph courtesy of & ©www.korcula.net

So, it is no surprise to read the reaction of the Residential Landlords Association to the Early Day Motion. Or indeed that published by the *Nottingham Post* on the day when finally the legislation came into force.

RLA BACKS DAVID CAMERON ON PLANNING ISSUES

The Residential Landlords Association has praised David Cameron for his opposition to government proposals to use planning legislation as a way of breaking up the areas of shared student housing that surround the UK's universities and colleges.

An Early Day Motion from the Tory leader has called for the revocation of an order – due to come into effect on 6 April – which aims to do this by introducing changes to the definition of 'houses in multiple occupation' and related planning issues.

In a letter to shadow housing minister Grant Shapps, today, RLA chairman Alan Ward says: *"We want to seek clarification on your own proposals to implement a 'lighter touch solution' which would enable councils to identify areas in their own local plans."*

The new development comes on the heels of a protest petition – placed on the No. 10 website by the RLA this weekend – which has already gathered more than 1,200 signatures within 24 hours.

[The Department for] Communities and Local Government [CLG] announced its plans for a new Use Classes Order, earlier this year, as a way of countering local 'problems'. The order comes into effect on 6 April and will mean that landlords need planning permission to rent a property to three nurses wanting to share a property – or any other group of tenants not forming a family.

The Residential Landlords Association condemned the move as *"deplorable and draconian"* – accusing CLG of attempting to define how and where people are allowed to live.

"This is a dangerous use of planning legislation for social engineering – to prevent students from living close to their university and other social groups such as young professionals and immigrant workers," said Alan Ward. *"In the process it will destroy entire local economies of shops, restaurants and bars that have grown up to serve their needs."*

[www.landlordzone.co.uk, 31 March 2010]

HOUSE PRICE CRASH WARNING IF STUDENT HOMES BANNED

City landlords claim plans to bring in stricter controls on rented houses could force down house prices in some areas.

Earlier this year the government announced it was taking action to re-balance the number of student homes and other rented properties in some neighbourhoods with a high number.

New legislation, due to come into force today, requires landlords to apply for planning permission if they want to turn a private dwelling into a "house in multiple occupation" (HMO).

Nottingham City Council will be entitled to turn the application down if it is shown approval could upset the

mix of a community. A key factor will be whether the council believes there are already too many HMOs in that area.

Some landlords are warning the move will not achieve its aim and it could have unintended consequences. Shad Ali, a spokesman for the East Midlands Property Owners group, said: *"The anti-HMO groups have not been honest with people – [if they live in areas affected by these new rules] their house will be reduced in value."*

"It will have a major impact on existing homeowners."

Mr. Ali said the rules could encourage some unscrupulous landlords to act outside of the new code, resulting in more low-quality homes being offered for rent illegally.

The new legislation will allow local authorities to identify areas where they think there are too many HMOs.

In Nottingham that might include Lenton, Dunkirk, Hyson Green and Radford.

Mr. Ali claimed some house prices were already falling in Lenton, saying he knew of one case where a home was valued at £180,000 that – after the Government announced its intention to put restrictions on new rented homes – then saw its value fall to £110,000.

Mr. Ali said landlords currently believe that if a home is in multiple occupation on April 5 it will automatically have necessary planning permission; any conversion after that would need to gain permission.

Mr. Ali said in some cases Nottingham landlords had bought homes and were converting them, in anticipation of students moving in come September. *"We are asking the council to negotiate with us to come up with some solutions,"* said Mr. Ali.

Mike Senior, planning team leader at Nottingham City Council, said each case would be judged on its merits.

He added: *"This legislation will give our policy more clout."*

[Charles Walker, *Nottingham Post*, Tuesday, 6 April 2010]

AN OPINION

Let's take a look at some of the statements made in this article. The first is the claim that the *'anti-HMO groups have not been honest with people ...'* The National HMO Lobby and its members have never made claims one way or another about the prices of property, or the impact of the new legislation. Of course, the statement assumes the highest prices for houses are only paid by landlords. An interesting supposition, and one that adds to the veracity of arguments made by people, like first-time buyers, who highlight the role of buy-to-let investors in preventing them from achieving their aspirations to be home owners.

Second is the assertion that the change in legislation *'will have a major impact on existing homeowners.'* It is not at all clear whether this refers to owner-occupiers or landlords. One has to presume the former. In which case the new legislation gives them the ability to have some say over the future shape of the neighbourhoods in which

they have the single biggest stake – the location of their home.

Third is the claim that ‘the rules could encourage some unscrupulous landlords to act outside of the new code, resulting in more low-quality homes being offered for rent illegally.’ So, one may well ask: do we have no rules because some people will break them?

Fourth is the statement that some house prices had already been falling. Property values were dropping nationally (and for that matter still are) for various reasons: the state of the economy; the ability/willingness of lenders to lend; and that of buyers to buy, not just in Lenton, but on average across all neighbourhoods.

As for the value of a property: at best that is an educated estimate/guess. The real test is when some-one with some money comes and offers a sum that is acceptable to both themselves and the vendor. That price is then the value of that item.

Finally, the article points to some cases where ‘Nottingham landlords had bought homes and were converting them, in anticipation of students moving in come September. ...’ and couples this with a plea for the Council to negotiate with landlords and come up with some solutions.

Well, what this is really all about is being in business, being professional and assessing the risks involved before taking them. Anyone who had been in the buy-to-let property speculation game for some time, or indeed anyone who had read newspapers or done even the most basic web search, could have foreseen that changes to planning legislation were on the cards. After all, there had been a plethora of government research exercises, consultations and statements on the subject of controlling HMOs and how best to do it. So, what comes to mind is the old adage: *caveat emptor* – let the buyer beware!

CONTROLLING HMOs: THE CHALLENGE

‘... Success soon palls,

*The joyous time is when the breeze first strikes your sails,
and the waters rustle under your bows’*

[Charles Buxton, 1823-1871]

Note: After the Easter break, with the focus no longer on a national campaign aimed at changing national legislation, the challenge for Nottingham was the same as that facing residents, elected Members and officers in other towns and cities. The new legislation, particularly the new Use Classes Order, which had just come into effect, clearly provided the necessary tools. But how best to use them?

The legislation alone would not be sufficient. In order for it to be used effectively, it was going to be necessary to develop a framework of local policies and strategies. To be successful, these would need to be responsive and flexible enough to cope with the often rapidly-changing circumstances of our neighbourhoods and the people who live in them, whilst not putting unnecessary strain on council and other resources which might well be reflected in future Council Tax bills. Also, they would have to be non-proscriptive and capable of accommodating the needs of all other parties – tenants, landlords, developers – with an interest in the HMO section of the housing market.

So, much too soon for success to have palled. Instead, a time to enjoy and to relish the very real opportunity to do something constructive about the future development of our neighbourhoods, and for all the people who live in them.

Quite a challenge! But not one to be avoided, and one which the NAG, Nottingham’s elected Members & their officers were preparing themselves to take on.

the powers of Councils in relation to the licensing of HMOs have also been announced.

Urgent action is required to set new planning and potentially licensing policy frameworks to consider and enforce the new legislation, together with consideration of the associated resource implications for the City Council.

Benefits to customers should include:

- improved conditions in neighbourhoods through securing a more balanced housing mix, particularly in respect of ameliorating the over concentration of HMOs
- an opportunity to effectively influence higher standards of HMO accommodation and ensure effective management through more extensive control and
- higher levels of customer satisfaction in terms of Place and Neighbourhoods.

The report initiates a cross-cutting and integrated action plan to take advantage of the anticipated legislation changes

RECOMMENDATIONS:

That work on: **3(a)** formal Planning Guidance for the control of Houses in Multiple Occupation in the form of a Statutory Development Plan Document for Site and Area Specific Allocations and Policies including Areas of Restraint for Houses in Multiple Occupation; and **3(b)** the potential use of additional licensing powers for Houses in Multiple Occupation under the Housing Act 2004 to determine whether it is necessary and appropriate to implement a scheme of additional HMO licensing for all parts of Nottingham to be carried out. ... That pending the adoption of the above Development Plan document referred to in Recommendation 3(a) above: **5(a)** Executive Board approves the Interpretative Planning Guidelines ... which are to be put in place to clarify the scope and application of existing planning and housing policies within the Nottingham Local Plan, the City’s Housing Strategy, the Building Balanced Communities Supplementary Planning Document and emerging Local Development Framework Core Strategy to guide responses to HMO proposals in the City; **5(b)** The potential for amended Supplementary Planning Guidance be explored as a matter of urgency to apply in the intervening period, with a target date for adoption by the end of 2010, subject to appropriate evidence

HMO ACTION PLAN

**Extracts from Report to Nottingham City Council
Executive Board**

18 May, 2010

**[For the full text of the Report see:
www.nottinghamcity.gov.uk]**

SUMMARY OF ISSUES:

A significant new opportunity to extend the City Council’s control over Houses in Multiple Occupation (HMOs) has been announced by the Government through the amendment of the Town and Country Planning (Use Classes) Order 1987. Changes in legislation in relation to

availability. ... That an integrated review of the enforcement and compliance activities associated with planning and HMO licensing be initiated to explore how to maximise compliance with and adherence to the emerging policy/legislative framework. ...

[Nottingham City Council Website 18 May 2010]

HMO ACTION UP-DATE

... After April 2010, a number of submitted HMO applications were considered by the City Council's Development Control Committee on 16 June 2010:

► **28 Gregory Street** (vacant 2 storey end terrace within approved Medipark site).

Proposal: Change of use to 4-person house in multiple occupation (Use Class C4).

Officer Recommendation: Refuse – contrary to policies ST1 and H6.

Outcome: Withdrawn prior to Committee.

► **10 Church Grove, Lenton** (3 bed house in compact cul de sac).

Proposal: Conversion of dwelling to 5-person house in multiple occupation (Use Class C4).

Officer Recommendation: Refuse – contrary to policies ST1 and H7.

Outcome: Refused as recommended.

► **18 Poplar Avenue, Sherwood** (4 bed detached house in cul de sac).

Proposal: Change of use of C3 dwelling to 6 person house in multiple occupation (Use Class C4).

Officer Recommendation: Refuse – contrary to policies ST1, BE2 and H7.

Outcome: Refused as recommended.

► **22 & 24 Noel Street** (3 storey semi-detached former dwelling house)

Proposal: Change of use of each property from 3 flats to 7 bed house in multiple occupation (i.e. 2 x 7 bed HMOs).

Officer Recommendation: Grant permission – policies ST1, H6 and BE2 considered.

Outcome: Granted as recommended (just 3 year implementation condition).

► **128 Harrington Drive** (semi-detached house with 4 student bedrooms – C4 HMO).

Proposal: Erection of single storey rear extension.

Officer Recommendation: Grant conditionally – policies ST1, H6 and BE3 considered.

Outcome: Granted as recommended (3 year implementation and materials conditions). ...

[Extracts from *Report Houses in Multiple Occupation Update* presented at a NAG meeting, 21 July 2010]

USING HOUSING LEGISLATION NOTTINGHAM AND THE HOUSING ACT 2004

Note: There are a number of things to learn from the report 'Action Plan to respond to recent changes in legislation in relation to Houses in Multiple Occupation', presented to the Council's Executive Board on 18 May 2010, and the extract from the report: *Houses in Multiple Occupation Update*, presented at a meeting of the NAG on 21 July 2010. First and foremost they showed that not only were the Council preparing to use the new powers given them by the legislation, but that the Council's Development Control Committee had already begun to do so.

The former drew some attention to the need for local planning policies, like the BBC SPD, to be revised in the light of the new legislation, but concluded (with hindsight, perhaps unwisely) that the Council could rely on the existing saved Local Plan policies in the interim.

The latter report also highlighted some important points:

A. That planning permission can be given, but can also be refused: something that landlords largely ignored when arguing against the changes to planning legislation, and have continued to ignore;

B. That proposals to convert 'family homes' (C3) into HMOs (C4) are not confined to the parts of Nottingham traditionally referred to as being 'studentified';

C. That these conversions do not always take place to provide accommodation only for students (and hence indicating that problems with HMOs are by no means solely associated with students).

Of course, it was very early days as far as changes to planning legislation were concerned, and only three months since they had come into effect, far too soon to come to any conclusions about their impact.

However, this is not the case with the provisions of the Housing Act 2004 which had been in effect since 2006.

Although it was changes in planning legislation that grabbed the headlines, and quite understandably continued to

do so, John Healey's announcement in January 2010 had also spoken of the need for a '... better sector with standards to meet the needs of those who depend on private rented accommodation.' To further this aim the Minister had announced two proposals:

(i) To make changes to the Housing Act 2004 which would enable councils to introduce discretionary licensing schemes without needing to get approval from his department to do so on the basis that '... local decisions should be made by those who know their area best and who are directly accountable to local communities.'

(ii) To set up a national register for landlords which the Minister felt would allow councils to identify private rented housing and would not only give 'important support to local authorities seeking to use existing powers, including licensing, in a strategic and proportionate way', but would also 'provide a mechanism by which landlords and tenants can be kept properly informed of their rights and responsibilities and by which tenants will, for the first time, be able to perform basic checks on potential landlords ... and know where to turn when things go wrong.'

The Minister had also announced the findings of the second part of research undertaken by the Building Research Establishment (BRE) for the Department for Communities & Local Government in 2008 into the implementation of HMO licensing. The research showed '... emerging evidence of improvements to the condition and management of properties as a direct result of HMO licensing ...'

There is no better evidence that mandatory licensing was doing its job of, as the Minister said, '... improving quality and professionalism in the sector ...' for tenants in Nottingham than the case of Anthony Carroll (also known as 'Uncle Tony').

Although already reported on as a postscript to the last issue of this magazine, it seems useful to reproduce it here (along with some of the comments posted on the *Nottingham Post's* website) as what is hopefully a taster of what may be achieved in Nottingham should licensing be extended to other HMOs.

The situation in 2010 with respect to this was that the City Council was preparing to launch a full consultation on extending HMO licensing early in 2011.

Of course, as you'll see from the *Observer's* report on Oxford, problems associated with HMOs continue to be a national issue.

However, it's not only the HMO side of the private rented sector that throws up difficulties, and not only for tenants, as you will read in the article '*Just Get On With Minor Problems*' which I came across in the *Nottingham Post's* '*Homes to Rent*' supplement.

Not so incidental, as well as highlighting problems that letting agents can have with landlords (and no doubt landlords have their own stories to tell about letting agents), the piece shows how important it is for tenants (and landlords) to be aware of the power that the Housing Act 2004 gives to councils when it comes to inadequate or tardy maintenance of properties.

All in all, an article which, having stumbled across, I couldn't resist adding to the magazine.

Squaring the circle is not easy. However, well before April 2010, the dialogue between the NAG and the Council's planning and environmental health HMO teams on the issues around HMOs had already begun to talk about ways in which to overcome the difficulties associated with Nottingham's draft HMO policies and how to accommodate very diverse, often divergent, and sometimes very emotive viewpoints.

Fast-forwarding almost two years, this is something that not only will I return to (with the latest up-dates on HMO licensing in Nottingham and in Oxford), but which has taken on more significance as time (legislation, politics, personalities and policies) has gone on. I suppose the final point to mention now is that the national register for landlords was one of the immediate casualties of the change of government in May 2010.

NOTTINGHAM LANDLORD HIT WITH HEFTY FINE

A landlord must pay £62,200 in financial penalties after he failed to maintain and licence two homes rented out to students in Dunkirk.

Anthony Carroll, known in the business as "Uncle Tony", let the properties to students without a licence from Nottingham City Council.

At a Greenfield Street property, an inspection found black mould on walls, no certificate of inspection for the electrical fittings, loose carpets on the stairs, a damaged sash window and a hole in a floorboard.

Two students who had found the property infested with mice had been illegally evicted when Carroll changed the locks in December 2008 and demanded money from the pair to cover the rent owed by three tenants who had moved out.

"He said until the money was paid they would not be able to get in," Christopher Geeson, prosecuting, told Nottingham Crown Court.

"There was one short-hold tenancy agreement, so they jointly owed £1,500. The two tenants that were locked out contacted the university and Anthony Carroll again, who refused to let them in. They eventually called police. Under the supervision of the police they recovered all of their property."

A second house, in Highfield Road, had a washing machine and freezer in the hallway blocking a stairwell in the event of a fire.

A smoke alarm had been disconnected and electric wiring had not been checked or tested within five years.

Carroll, 66, of Highfield Road, pleaded guilty to 17 charges.

He admitted he had let rooms without an appropriate licence and had not complied with regulations.

He was fined £14,700 and had more than £37,500 confiscated in rent during the time the two properties were not licensed. He must pay £10,000 towards court costs.

For the unlawful eviction he was given a four-month prison sentence, suspended for one year, with supervision from a probation officer.

Mark Kelly said in mitigation that Carroll ran his business on his own and had literacy problems.

"He's spent £15,000 having work done to these properties."

[*Nottingham Post*,
Saturday, 9 January 2010]

◆ *In my view, Mr. Carroll deserves everything that's thrown at him, and more. Good on you Nottm City Council for finally prosecuting this greedy man. His botched housing and monstrous constructions have blighted Dunkirk for far too long. I've been a local resident my entire life, and have sadly seen the area I grew up in and used to be so proud of, rapidly decline, mainly due to the likes of his many unkept, environmental health hazard properties making the area look scruffy and unsightly. I'm very glad he's been punished, and hopefully this will deter other irresponsible landlords (only after making a quick buck) from doing the same.*

He's got his just desserts.

[**Bob, Dunkirk Resident Nottingham**]

◆ *Well done Nottingham City Council on finally prosecuting one of the most 'infamous slum landlords' in Dunkirk & Old Lenton aka, 'Uncle Tony's Cozy Accommodation'. For years Tony Carroll has blighted our community and turned otherwise decent properties into slum tenancies. His botched-up DIY 'done on the cheap' property conversions have flouted all building regulations, put many student tenants' lives at risk, made him a millionaire and able to indulge his passion for collecting and driving expensive vintage motor cars. Shame on you, 'I Have Literacy Problems, Poor Me' Mr. Carroll. I hope the Council starts an immediate investigation into the rest of the slum and 'stupid named' property portfolio this scum landlord owns in Dunkirk and fine him to the hilt... .*

[**Maurice, Dunkirk Resident, Nottingham**]

◆ *As an undergraduate many years ago I spent a year in one of Mr. Carroll's properties. We were left to remove the former tenants ourselves, there were fleas in the sofa, electric sockets did not work, there were no fire alarms, stairs were dangerously constructed, the toilet never stopped leaking, I had no bed and we provided much of the furniture ourselves. Our relatives rallied around and helped to make the place habitable. In retrospect I am aghast at how naive we were; the place was dangerous, it was not our job to do any work on it, and we should have turned around and left. However as a student, often living away from home for the first time, you are naive and we did not realise what our rights were or what we should expect from a rental property. Mr. Carroll did do some work to the property at our request (I seem to remember that an angry father helped matters) however it was poorly done.*

I am now a landlord myself; with this role I feel I take on a burden of responsibility for the safety and well being of my tenants. I do not necessarily think that Mr. Carroll is a cruel man; however ignorance is no excuse for allowing vulnerable students to live in potentially unsafe conditions.

Sometimes I moan about the number of regulations that we have to meet as landlords. However it is circumstances like this

which highlight why they are in place. I have appreciated the Universities approved property scheme, which recognises good quality accommodation, their approval giving me peace of mind that I have done all I can to safeguard my tenant's wellbeing.

[Older and Wiser, Nottingham]

JUST GET ON WITH MINOR PROBLEMS

We recently received a complaint from a tenant giving us a small list of jobs that needed attention.

The list included such things as mould around the bedroom windows, a broken fire guard, a broken electric socket and a couple of other things that were not major issues.

We notified the landlord of the list and asked for permission to obtain estimates and carry out the repairs but were told by him he wanted to deal with it directly and would contact the tenant himself.

Some days passed and the tenant contacted us again; she had heard nothing from the landlord about the repairs.

We were told again the landlord would deal with it. A few days later we got another call from the tenant to see what was happening, as the mould problem was getting progressively worse.

This went on for some time to the point of embarrassment. The landlord was making several promises but still not dealing with the repairs.

Given the reluctance of the landlord to deal with the situation we had to call him to try and persuade him to take action.

He was very reluctant and dismissive, claiming he believed the tenant was causing the mould problem herself and he wouldn't be getting into the cost of dealing with it.

At this point we had to point out the seriousness of ignoring the complaint and strongly advised him to deal with the issues as the tenant had advised us she would have no choice but to complain directly to her local council.

The council has the power to step in and investigate any tenant complaint under the 2004 Housing Act and let me tell you it is not a good idea to let this happen. We explained very carefully and left the landlord in no doubt of the consequences of the council becoming involved. Unfortunately he ignored our advice.

The tenant complained to the council and the next thing we knew we had a letter and report detailing the repairs they required to be carried out. However, on top of the items previously mentioned, the list featured 32 other things it had found wrong and a time frame for each job to be put right.

The council also said it would call round to the house again in two weeks to see how the repairs were going.

I won't detail the list, suffice to say some of the jobs were really minor but others were quite costly and the estimated bill ran to around £5,000.

Needless to say our reluctant landlord was horrified. "Give them notice; get them out!" he cried. We pointed out this did not solve the problem. The council has the power to insist on the works being carried out anyway.

The lesson is clear: next time someone complains about a minor repair, just get on with it as the consequences of ignoring the issue could prove very costly.

[Peter Mitchell, Managing Director, Castlegate Estates and Lettings Nottingham Post 'Homes for Rent' Monday, 10 January 2010]

OXFORD LAUNCHES CRACKDOWN ON 'ROGUE' STUDENT DIGS

Council imposes rules forcing landlords to tackle the problems of rowdiness, noise and litter as complaints by city residents grow

Home to students for the best part of a millennium, the city of Oxford has acknowledged that there is a downside to having one of the world's great universities in its midst.

The city of dreaming spires is set to become the first place in Britain to impose sweeping new powers to tackle the problem of "studentification" – the trend for certain urban areas to become dominated by students. The issue has become a major concern for many residents, who have long complained about the rowdiness, litter and noise they associate with large student communities in some parts of the city.

Many other cities are watching Oxford closely for signs of how town and gown can mix more easily. Residents in some areas of Leeds, Bristol and Birmingham have been vocal in complaining about the effect students have had on their neighbourhoods and are keen for their councils to take similar action.

"A lot of local residents have been quite alarmed about how studentification has affected their community," admitted Ian Wright, Oxford city council's health development service manager. "We know it's been one of the top topics on the doorstep for local councillors."

In April, the previous government introduced laws that gave councils more powers to introduce licensing schemes for properties that are home to three or more unrelated people – known as houses in multiple occupation (HMOs).

A consultation set to end in June is expected to back the city council's proposal to introduce citywide licensing for all such properties. The council would then be able to set standards for the properties with regard to their management and safety and would be able to refuse to issue licences to landlords who do not comply, for instance by failing to ensure rubbish is stored adequately.

The new law means about 5,000 properties across the city will be subject to spot checks to ensure that their landlords are meeting licensing requirements. A failure to meet the specified terms of their licences could see them revoked.

According to government statistics, Oxford has the 14th highest number of HMOs in England and Wales, with one in five residents living in such a property. HMOs generate more than 2,000 complaints a year to Oxford city council and about 70% of the properties are deemed unsafe. Wright said the new measures would have an impact on bad landlords who ignored neighbours' concerns. "We're hoping it's going to help us drive out the rogue element that there is in Oxford," he said.

There are concerns the action will reduce the number of rooms available to students, pushing up rents. "Oxford's got a housing crisis," Wright said. "There is a concern there might be a decrease in the amount of properties available as a result of this, but we hope this will be offset by the improvement of the stock."

The growing number of people studying in higher education is being blamed for the rise of the problem.

"Studentification can have various adverse effects on these areas, which can become overcrowded in term time," said Andrew Griffiths, of the Chartered Institute of Environmental Health. *"Conversely, they become like ghost*

towns in the holidays. The condition of local housing often gets worse and, while off-licences and takeaways prosper, schools and nurseries close down."

[**Jamie Doward and Christopher Khadem,**
The Observer, Sunday, 23 May 2010]

DELPHI BETWEEN SCYLLA & CHARYBDIS



The 'Charioteer of Delphi':
photograph courtesy of & ©Kathryn Andrus-Waick 1994

***'Oh what a tangled web we weave,
when first we practice to deceive'***

[Sir Walter Scott, *Marmion*]

On the 12 April, 2010, *The Guardian* carried a piece in which it was claimed, with some real justification, that the Treasury had acknowledged privately as early as 2004 that a burgeoning buy-to-let market could be crowding out first-time buyers.

However, a comment posted in response to the article pointed out that it was John Major in one of his last Budgets who created the tax concession loopholes for buy-to-let. The comment on *The Guardian's* website read:

'My friend, a senior partner in a big accountancy firm, phoned me up that night [Budget Day] telling me to "pile in – he's created a free money market in property" and sure enough the relaxation in planning consents for multiple occupation

dwellings, cheap mortgages on ridiculously advantageous borrowing terms and capital gains transfers all fed the boom that has resulted in whole neighbourhoods now being street after street of HMOs. Shame on the senior mandarins in the Treasury and on the policy priorities decided by Brown for not cutting that off right at the start of the '97 government.'

So, should we need to be reminded, the roots of today's problems with buy-to-let in general and HMOs in particular, go back a long way, and no one government, regardless of its political colour, can be held to be solely responsible for what has happened.

One way of looking at it is to say that all of this is old history, of academic interest only. After all, in the end it doesn't matter who was originally responsible for, or how, or when the situation came about: does it? Nonetheless, what was starting to

develop at the end of March 2010 when David Cameron and senior colleagues tabled their Early Day Motion has had a significant impact and continues to do so two years on. At the time, with a General Election due so soon afterwards, the EDM was a wake up call: a good indication of what could happen if David Cameron became Prime Minister with Grant Shapps as the new Minister for Housing.

It marked the start of a period of uncertainty, made even more so by mixed and ambiguous messages, (mis)information and reversals (real or otherwise) of policies and promises, initially at least, exacerbated by the febrile political atmosphere that existed throughout the General Election campaign and for some time afterwards.

As I have mentioned before, primarily this is an attempt to document events, and to give you a flavour of what was going on during this time. Neither does it claim to be a political commentary. However, if along the way it begins to untangle webs and helps navigate a course around perfidious rocks, then perhaps that's no bad thing.

Our story begins on Wednesday, 13 April, 2010 with a letter from Richard Tyler and Alan Shrank to David Cameron MP. ...

LETTER TO DAVID CAMERON MP

Dear Mr. Cameron

We write to you regarding Early Day Motion 1200 on the new amendment to the Use Classes Order, SI 2010 653. We write on behalf of the National HMO Lobby and the National Organisation of Residents Associations (NORA), who represent a million residents throughout the UK, between us. (See our websites at:

www.hmolobby.org.uk/index.htm and www.nora-co.uk).

We are surprised and disappointed at your opposition to this legislation, which was made in response to widely recognised problems arising from local planning authorities' inability to manage the development of houses in multiple occupation (HMOs) – and in response to national planning policy on sustainable communities (PPS3).

●The problems are widely acknowledged. They have been noted in several government reports on the private rented sector in general and on HMOs in particular. They have been the subject of publications and conferences by Universities UK, the National Union of Students and Unipol Student Homes. They have even been analysed by on-going academic research.

●The legislation is based on lengthy and thorough preparation. It was first mooted by the then Housing Minister in 2004. Action was agreed in 2007. The government commissioned research into the problem in 2008. And it held a full consultation on solutions in 2009. The response was three times that anticipated, and was overwhelmingly in favour of legislation.

●Support for action was across the board. Non-party residents' associations were in favour of legislation. Local government officers' organisations supported it. Local authorities of all persuasions were in favour, including the Core Cities and the Coastal Communities Alliance. And action was supported by the cross-party Councillors Campaign for Balanced Communities and by the All-Party Parliamentary Group for Sustainable Communities.

We are very surprised that you have broken this huge consensus. We call on you to withdraw your Motion. Regards.

Dr. Richard Tyler, National HMO Lobby

Dr. Alan Shrank, National Organisation of Residents Associations

The letter was also sent to other senior Conservatives, including Grant Shapps, Shadow Minister for Housing. It was he who replied later that day, commenting that he could not support the legislation because he believed the Government had 'got it wrong'. He went on to say that, should the General Election result in a Conservative Government, it would seek to bring in something else which would give local authorities greater flexibility to define HMOs in the right context without precipitating the 'widely predicted' adverse consequences that would result from the legislation, e.g. by creating 8,500 to 10,000 more planning applications which would need to be dealt with by an already overloaded planning system. He finished his reply by suggesting that, as Parliament was no longer sitting, further discussion of the subject should be deferred until after the results of the election were known.

However, nationally and locally debate of the issues was not deferred with, amongst others, National HMO Lobby groups in Bristol, Canterbury, Chester, Durham, Leamington, Manchester, Newcastle, Plymouth, Southampton and, of course, Leeds seeking to highlight the issues and canvass the opinions of their various constituency parliamentary candidates.

While Richard Tyler and Alan Shrank took the lead by responding to Grant Shapps' message and '*criticising the justification by the conservative party of their action*', in Nottingham, in an attempt to gain some clarification as to where the different candidates and their Parties stood on HMO policies, the NAG tabled a question prior to the hustings meeting for the Nottingham South Constituency, held at St. Peter's Church in the City Centre on Thursday, 15 April.

Admittedly the ensuing debate between the candidates did little other than to re-state the arguments made, and reinforce the stances adopted, at the heated February 2010 NAG pre-hustings meeting with some of the prospective candidates for the Nottingham South Constituency. But, once spoken in a public forum, words take on an extra gravity and any amount of light, no matter how small, is not to be dismissed.

However, Leeds had better luck. On the 21 April Grant Shapps visited Headingley where he met with the co-ordinator of the National HMO Lobby and other local residents. While there he expressed support for the National HMO Lobby, seeing it as a good example of the 'Big Society' in action. As a result of that meeting, the Shadow Minister agreed to:

- clarify Conservative Party policy on HMOs;
- ensure that a Conservative government did not leave a gap between the newly-established legislation and any equivalent legislation brought in by the Conservatives;
- and finally to consult again on any changes in legislation proposed by a Conservative government.

Following on from Grant Shapps' visit to Leeds, and the promises he made there, a revised statement of Conservative Party policy on HMOs was published on Monday, 26 April 2010 (see below).

Forgive me if, before you've even had a chance to read it, I draw your attention to some of the matters the policy statement raised.

It highlights the need to avoid '*heavy-handed*', '*cumbersome and bureaucratic*' legislation which is '*harmful to the private rented sector*'.

Instead, it focuses on a '*more localised solution*', interestingly/surprisingly seeking to make comparisons between problems linked to concentrations of HMOs with those extant in areas saturated with licensed premises.

It is also quite unequivocal in its statement that a Conservative government would '*ensure that there is no gap between Labour's new legislation ... and any equivalent legislation introduced by the Conservative government.*'

A promise well worth remembering!

It also seems to want to play down the significance of the Early Day Motion (as a 'frequently used procedure used to ensure a debate ...').

No doubt that is how EDM's are used, but at least this one served the additional purpose of alerting National HMO Lobby members to the direction in which the 'wind was blowing'.

Finally, it makes another promise well worth remembering: that a Conservative government would consult again on any changes it proposed to make.

[Editor]

OUR APPROACH: CONSERVATIVE PARTY POLICY STATEMENT ON HMOs

Monday, 26 April 2010

Conservatives recognise that some communities are facing particular problems due to the concentration and saturation of Houses of Multiple Occupation (HMOs) in a particular neighbourhood. This can result in summer 'ghost towns', nuisance and litter problems, and pressure on car parking.

We are not opposed to the principle of greater powers for local authorities to address these problems, but we believe that the Labour Government's new rules are badly drafted and harmful to the private rented sector.

As ever, the Labour Ministers have turned to heavy-handed legislation without properly thinking through the consequences. The idea that every rented house in England with three or more unrelated people should require planning permission is cumbersome and bureaucratic. It will lead to planning departments being bogged down with pointless applications – a situation which the Government's own housing reviews have warned against.

The Government's Impact Assessment has raised the prospect of an extra 8,500 planning applications a year and a "potential reduction in supply of this type of low cost accommodation and therefore potential for rents to increase if there is a reduction in supply" (DCLG, Introducing a definition of houses in multiple occupation into the Use Classes Order - Impact assessment, March 2010).

Conservatives believe that a lighter touch and more localised solution is needed. A Conservative Government would seek to amend the regulations; we would allow councils to identify areas in their own local plans where there is a saturation of HMOs, and then be able to require planning permission in these areas.

Such a principle already operates for pubs and clubs, where local authorities can designate an area as a 'cumulative impact zone' due to the saturation of licensed premises, and then apply tougher rules in that locality.

Our proposals would allow councils to improve the quality of life in neighbourhoods which are facing problems, while avoiding excessive red tape on the whole private rented sector.

We will ensure that there is no gap between Labour's new legislation (active from April 2010) and any equivalent legislation introduced by a Conservative government. We will consult again on any changes proposed by a Conservative government.

Labour Ministers sought to push through these regulations without any vote or debate in Parliament. Conservatives asked for a debate since we believed the regulations should be properly considered. Under the standard Parliamentary procedure, this required tabling an Early Day Motion in the name of the Leader of the Opposition to 'pray' against this 'negative resolution' regulation. This is the frequently used procedure used to ensure a debate on this type of legislation

NOTTINGHAM ACTION GROUP CORRESPONDENCE

Monday, 3 May 2010

Note: On the 3 May, a BBC Radio 4 *Today* programme interview with Michael Gove MP prompted an e-mail message on behalf of the Nottingham Action Group to Grant Shapps to which (to his credit, especially given the significance of the date) he did reply.

E-MAIL MESSAGE TO GRANT SHAPPS MP FROM THE

NOTTINGHAM ACTION GROUP

(3 May, 2010 – copied to David Cameron MP)

I hope you found the midwinter (January 2010) issue of the Nottingham Action Group on HMOs' magazine, which I arranged to have sent to the Welwyn Hatfield Conservatives headquarters, interesting and perhaps useful.

As you know, the NAG is a member organization of the National HMO Lobby, and you will appreciate that Dr. Richard Tyler has been keeping us up-to-date on developments surrounding the Early Day Motion, including representations to yourself and Mr. Cameron from other colleagues in the National HMO Lobby, and your visit to Leeds. So, I was reluctant to burden your mailbox unnecessarily at this time. However, having heard the interview with Mr. Gove on the Radio 4 *Today* programme this morning where the 'Big Society' was the dominant theme, I think I do need to write to you now after all.

It is going on to a year since you visited Nottingham. Then, I was pleased to have the opportunity to show you some of our neighbourhoods, and to give you a chance to spend some time with other members of the NAG. I am pretty sure that I echo their pleasure in meeting, informally and face-to-face, with a senior politician whose experiences with the detrimental impact of HMOs in his own constituency so closely resonated with our own. Apart from anything else, it was refreshing not to have to explain in detail, yet again, the damage being done by HMOs in our own neighbourhoods to individual lives, let alone to the glue that binds society together.

At that time, CLG had just launched its consultation *HMOs and Possible Planning Responses*, and the NAG was beginning to prepare its own response to that consultation (later published as a supplement to the January 2010 NAG magazine). After so many set-backs and so much prevarication, no-one in the NAG was optimistic that the consultation would result in the changes to planning legislation we had been asking for even before the NAG was formally constituted in 2004. So, I am sure you can

appreciate how much of a rare pleasure it was for me on the 27 January to be able to start passing on the good news of the Minister's announcement in Oxford earlier that day about changes to planning legislation.

Of course, I and my colleagues anticipated that landlords, agents and their 'professional' bodies would kick back both locally and nationally, and we had a fairly accurate expectation of what they would say and how they would say it. There had been more than a little experience of this in August shortly after the close of the CLG's consultation period, and again in September.

At that time, having mostly ignored their opportunity to contribute formally to the consultation, landlords started a vituperative and largely factually inaccurate campaign against what they called the 'Government's "nimby" charter to evict students, immigrants and the poor from affordable homes', which also labelled campaigners such as the members of the NAG as '*small groups of vociferous local residents*' wanting to use a possible change in planning legislation 'to discriminate against certain parts of the community.' More recently, at an open meeting in February this year with prospective parliamentary candidates for the Nottingham South constituency, we had a further taste of the landlords' response. Unfortunately it was as ill-informed as before and seemingly meant to frighten tenants and established residents alike into believing that enactment of the changes to the Use Classes Order (if they came about) would have dire consequences for all of us.

I was not surprised therefore to read the content of the petition that the Residential Landlords Association placed on the No.10 website which, once again, is riddled with inaccuracies. Neither was I too surprised to see the number of signatures supporting the petition. However, I was surprised, and disappointed, to read the Early Day Motion and to see that it had been signed by senior Conservative Party members.

The revised statement on the Conservative Party approach to HMOs goes some way towards reducing the disillusionment of NAG members and the feeling that we have been let down by what has taken place. However, here are some of the points that we would like to make about the statement, and which we would ask you and the Conservative Party to consider.

(a) We feel that there still remains a substantial lack of appreciation of the fundamentally damaging impact of HMOs. Antisocial behaviour, lack of waste management, litter, etc. are the obvious and all too often visible reminders of what it is like to live in neighbourhoods with absentee landlords, opportunistic agents and large transient populations. However, to focus on this aspect of HMOs is to focus on matters that can be resolved (provided there is a willingness to devote substantial amounts of time, money and public resource into their resolution) and to ignore something much less tangible, but far more important, and which I have already drawn your attention to – the destruction of the glue that binds society together with the inevitable result that we end up with what I guess can be described as an example of a 'broken society'.

(b) Whilst the concept of a 'localised solution' is one that, in general terms, we would agree with, our experience so far leads us to believe that for local

solutions to succeed they must be supported by national legislation. The toolkit has to be in place nationally so that our locally elected representatives and their officers can be successful in implementing local plans and policies, devised in response to the needs of local people. In this instance, planning legislation that clearly defines what an HMO is and recognizes that HMOs are indeed a different land use from any other dwelling house. This enables our LPA to implement successfully those HMO policies it already has in place (e.g. the Building Balanced Communities Supplementary Planning Document), and to develop new and stronger policies which are flexible and can be tailored to the differing and changing needs of Nottingham's neighbourhoods and to the people who live in them.

(c) Just as we feel there remains a failure to understand the full impact of HMOs on our neighbourhoods, so we feel, rather strongly, that in effect equating the problems caused by concentrations of HMOs with those resulting from saturation by licensed premises, misses yet another important point. Conversion of a family home to an HMO needs only as much time as it takes to exchange contracts, provide basic (often very basic) furnishings and advertise the property as an HMO. So a neighbourhood can very quickly, and almost without anyone realizing it, change from being a family neighbourhood into one dominated by HMOs, absentee landlords and agents, and transient tenants. To wait until a neighbourhood is saturated with HMOs before action is taken is, in effect to wait too long. The damage is done, and to undo it will take much longer and cost a great deal more in terms of time, money and effort.

The experience we have accumulated over the years, and the many disappointments that have accrued as a result of a lack of planning legislation, means that I and other members of the Group firmly believe that the legislation now in place, combined with local planning policies that reflect the distinctive characteristics and needs of our so very different neighbourhoods, is the only way we can protect other neighbourhoods from becoming dominated by HMOs, whilst also ensuring that neighbourhoods where HMOs already have a detrimental impact are protected from further erosion.

Thank you for taking the time to read this message.

E-MAIL RESPONSE FROM GRANT SHAPPS MP

(Sent to NAG Co-ordinator, 3 May, 2010)

With less than 72 hrs to go until election day I hope you'll understand that this response is brief.

However I did want you to know that I've read your message in full. You will no doubt have also spoken to Richard since I visited him a fortnight ago.

Just to be clear. We will ensure that effective HMO legislation is in place.

We disagree with the government pushing this through without discussion or debate on the last day of Parliament and the EDM is simply the only device to get the measure properly discussed.

We are not prepared to see bad legislation on the subject of HMOing and have a more localist approach which will achieve the same thing without burdening

authorities for whom this isn't an issue with the additional bureaucracy.

Areas like Leeds, Nottingham and my own town of Hatfield will therefore get precisely what is required but in a less bureaucratic way.

Plus, I've given undertakings that I will both consult with the National HMO Lobby before making changes and

that there will be no gap in legislative cover while switching between the two approaches.

Your group has nothing to worry about. Other than the fact that Parliamentary procedure wrongly gave the impression that we are against resolving the problem which is every bit as acute in my constituency as in your own area.

ITEA TO ATHENS: THE CORINTH CANAL TRANSITION – TRANSMUTATION

*"Will you walk a little faster?" said a whiting to a snail,
"There's a porpoise close behind us,
and he's treading on my tail."*

[Lewis Carroll, 1832-1898]

On the matter of HMO housing and planning legislation, it must be accepted that, at best, the New Labour Government moved with the speed of a torpid snail.

Revision of housing legislation formed part of New Labour's manifesto in 1997. But, as Barrie James, then Service Manager for Public Health at Nottingham City Council, wrote in the Spring 2005 issue of this magazine:

... After much 'consultation', but very little change, the Housing Act 2004 finally received Royal Assent at the end of last year. However, due to the content of the Act it is likely to be many months yet before it fully comes into force. ...

In the Summer 2005 magazine reference was made to a report in the local press that senior Members of Nottingham City Council had used a visit to the City by David Miliband, recently appointed Minister for Communities & Local Government, to appeal for more powers to control the concentration and spread of HMOs.

Those sentiments, shared by local authorities and residents alike in an increasing number of towns and cities in England, Wales and Scotland were to be repeated again and again in a variety of different guises, by a variety of different people publicly (at conferences and seminars), less publicly at meetings with Ministers and Civil Servants and at workshops, and of course in response to fact-finding research and government consultations.

At one time or another all of this has been reported on in detail at NAG meetings, in this magazine, and on the NAG's website. Therefore, sufficient to say that, having visited Nottingham and Loughborough in the spring of 2008, eventually, early in 2009, Iain Wright, the then-Minister for Housing, announced a consultation on possible changes to HMO planning legislation.

This took place later that spring. However, the results of the consultation were not reported and acted on until January 2010, which is where this issue of the magazine picks up the story.

Harold Wilson is credited with having said that "A week is a long time in politics." the truth of which has been borne out many times over the intervening period; certainly more than once since the beginning of May 2010.



The Corinth Canal

Not long after sending his e-mail to the NAG, Grant Shapps made the transition from Shadow Minister to Minister for Housing and very quickly it became evident that lack of speed was certainly one accusation you could not level at the new Coalition Government.

Indeed, if comparisons are to be made between it and its predecessor, the behaviour of a starving weasel on amphetamines let loose in a chicken run comes to mind.

In a written Ministerial Statement on the 17 June 2010, a little over two months since first signalling his intention to do so, Grant Shapps announced that he was going to change HMO planning legislation.

[Editor]

POWER FOR COUNCILS TO MANAGE SHARED HOMES IN THEIR AREA

Thursday, 17 June 2010

Note: The same day as the Minister's written statement to the House of Commons, his department put out a press release which made clear the way in which he intended to go.

By deciding on using existing legislation – Article 4 Directions – the Minister signalled that he planned to adopt what had been Option 3 in the 2009 consultation, an option that had been almost universally (99%) dismissed by those who had responded to the consultation as being the least useful course to follow.

Housing Minister Grant Shapps today announced that councils will have greater flexibility to manage concentrations of shared housing in their area, without tying landlords in red tape.

A high concentration of shared homes can sometimes cause problems, especially if too many properties in one area are let to short term tenants with little stake in the local community.

So changes to legislation will give councils the freedom to choose areas where landlords must submit a planning application to rent their properties to unrelated tenants - known as Houses in Multiple Occupation (HMOs).

This will enable high concentrations of HMOs to be controlled where local authorities decide there is a problem, but will prevent landlords across the country being driven from the rental market by high costs and red tape.

It is estimated that as many as 8,500 planning applications could be submitted each year if every landlord looking to turn their property into a HMO is first required to seek permission – instead councils will be able to focus their efforts in particular neighbourhoods where HMOs present a problem, while landlords of HMOs in other areas will not be tied up in red tape.

Housing Minister Grant Shapps said:

"Councils know about local issues with shared homes, and don't need top-down rules from Whitehall to deal with problems that don't exist. Where too many shared homes are causing problems for other residents or changing the character of a neighbourhood, councils should be able to control their spread. But I'm not going to create unnecessary costs for landlords, which puts the supply of rented homes at risk.

"That's why I'm giving councils the power to decide whether to use the planning system to control the spread of shared housing where it is a problem. This will give them the flexibility to make decisions that are right for their communities, rather than stifling the rental market with unnecessary costs and red tape.

"Shared homes ensure people who want to live and work in towns and cities can do so, and are vital to the economy. These changes will safeguard the supply of shared housing

where it is needed without burdening landlords with cumbersome red tape - but will also hand councils the flexibility they need to tackle problems where they occur."

Liz Pearce, chief executive of the British Property Federation, said:

"Grant Shapps has taken quick and decisive action after this law was rushed through in April without sufficient clarification. At a time when council resource is scarce and housing is needed it makes no sense to be forcing thousands of local landlords and planning officers to be engaged in unnecessary bureaucracy. The Minister said last week that deregulation would characterise his approach to the private rented sector and as with other moves to cut red tape, these are further welcome steps."

Removing this one blanket requirement follows the Government's commitment to scrap one size fits-all solutions in the planning system that create unnecessary bureaucracy and costs for councils and businesses.

NOTES TO EDITORS

1. Councils are to be given more flexibility to manage HMOs in their area. The problems that arise from concentrations of HMOs are not widespread and the current requirement imposes an unnecessary burden on landlords and local planning authorities in those areas where HMOs are not a problem. It also runs the risk of reducing supply if landlords choose to move out of the sector rather than face the costs and delays of applying for planning permission.

2. The definition of a small HMO (the C4 use class) will remain and permitted development rights will be extended to allow all changes between the C4 and C3 classes without the need for planning applications. In areas where there is a need to control HMO development, local authorities will be able to use an Article 4 direction to remove these permitted development rights and require planning applications for such changes of use.

3. These proposals will mean that any change of use between dwelling houses and small HMOs will be able to happen without planning permission unless the local council believes there is problem with such development in a particular area. In these areas they will be able to use article 4 powers to require planning permission.

4. Consultation with interested partners on this issue will ensure that the new rules work effectively for local people without placing an unnecessary burden on landlords and local planning authorities.

5. The proposals are part of wider reform to the planning system so that it moves away from the current top-down approach and create a system which encourages local people to take responsibility for shaping their communities, and gives power to councils to make this happen.

[CLG Press Release,
17 June 2010]

ATHENS

AMENDING PLANNING LEGISLATION

'The Paradise of Fools'

*'Into a limbo large and broad, since called
The paradise of fools, to few unknown'*

[John Milton 1608-1674]

Harold Wilson is supposed to have said: "*I'm an optimist, but an optimist who carries a raincoat*", and it would indeed seem that, as a contingency measure, it's probably wise for anyone who gets tangled up in weighty matters to carry a 'Burberry' – just in case!

In one form or another the limbo that began on the 17 June 2010 has proved to be very broad indeed. And, for optimists, truly a 'paradise of fools'. The optimism of earlier that year was rapidly disappearing: perhaps had already done so. What was left was a return to uncertainty and to yet another rudderless drifting from one rumour and supposition to another.

Not that there weren't familiar landmarks along the way; detours to be greeted, joyfully or otherwise, as new challenges or old enemies. One is the announcement of a 'consultation' – but more of that later. Another is stylized and generally fruitless discourse with either Government Ministers (regardless of their political persuasion), their Civil Servants, or both.

If needed, an example is the exchange of e-mails between the NAG and Grant Shapps which started just before the General Election. Once news of the Minister's statement and the CLG press release had reached the NAG – as always via the National HMO Lobby network – and the nature of what was taking shape became evident, it seemed that the only allowable response was to write, yet again, to him and wait to see if a reply came back.

When it did come back, on the 29 June, it was from Theresa Donohue, one of the Civil Servants in Communities & Local Government.

As you will see, Whitehall's interpretation of why the then-current legislation was not ideal focused on the burden it was imposing on landlords and local planning authorities, even though the regulations had been in place for so short a time that one would have thought there could be very little, if any, quantifiable evidence available as to the size and extent of that burden.

The reply also sends advance warning as to the proposed nature of the consultation promised by Grant Shapps in the days before the General Election: working through the changes with selected 'key partners' rather than, as one might have supposed, a dialogue open to all interested parties.

However, now that I've taken several closer looks at what had been promised – *We will consult again on any changes proposed by a Conservative government* – I have to admire the use of semantics, and accept the Government's interpretation for what it is: as valid as my own, if not more so.

[Editor]

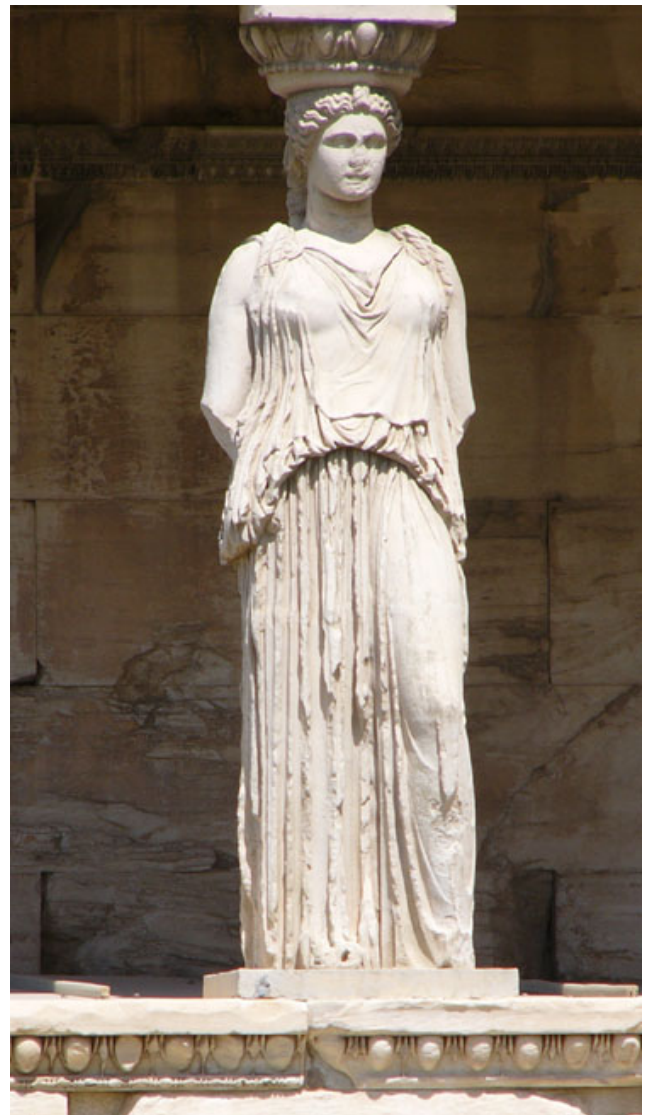
PLANNING CHANGES

Message Sent on Behalf of the NAG to the Minister

Thursday, 17 June 2010

I have just picked up your statement to the House and the CLG press release regarding your intention to amend the changes in planning legislation (Use Classes Order) that came into effect on 6 April.

I think you probably know what I'm going to say, but In one fell swoop Government has consigned ten years of my life to the trash can.



Caryatid, The Erechtheum, The Acropolis Athens:
photograph courtesy of & ©Galen Frysinger,
www.galenfrysinger.com

I think I can live with that.

But what I really find difficult to understand is why Government has also trashed the hopes and endeavours of a lot of very good, kind, patient, and real people who have become my neighbours in a sadly (geographically) extended neighbourhood. They have worked so hard for the future not merely of themselves as individuals and individual family units, but for the long-term future of their neighbourhoods. They and their homes deserve better than to see their neighbourhoods being used as business opportunities by people whose only concern is how much profit they can make out of their investment.

I notice that your statement, as reported in *Hansard*, talks about creating a system '*which encourages local people to take responsibility for shaping their communities*'. I agree with the generality of the sentiment. People should indeed take responsibility for shaping the future of their neighbourhoods. However, you can't shape the

future of your neighbourhood if you don't have the proper tools.

The members of the NAG know this only too well. They've had fifteen years and more of impotently watching while others have shaped their neighbourhoods and their futures. Incidentally, the futures of their children have also been shaped by the same external forces. They cannot afford to buy properties in these neighbourhoods. They can't even rent properties in these neighbourhoods because HMO market rentals price families out of the market. And, of course, once the social capital and infrastructure of a stable community have been eroded, what is there for them to buy into?

Last year's consultation on planning responses to HMOs gave the NAG the encouragement to hope that they would be given the proper tools so that finally they could begin to take responsibility for shaping their neighbourhoods.

I accept that the detail of the legislation that came into effect on 6 April is not ideal. However, what you appear to be proposing as an alternative is far from ideal. In fact, it was the least supported of the three options put forward in the consultation.

Apart from all of the difficulties that made this option (Article 4 Direction) so unpopular there is, for me, one very strong reason why going down this route is not going to produce a satisfactory conclusion.

As you know from your own constituency, the HMO rental market is a very fluid one. Almost literally, it is possible for a property to be a family home today and an HMO tomorrow, so a neighbourhood can become dominated by HMOs in a very short time. The HMO market is also extremely responsive to local circumstances. The short-term nature of the tenancies and high turn-over of tenants merely exacerbates the situation.

There is no way that an Article 4 Direction 'solution' can be flexible enough and responsive enough to enable a local authority, like Nottingham City Council, successfully to control the concentration of HMOs, let alone to control their spread. And spread is followed by concentration.

I gather Government does not want to burden landlords with red tape. Well, it would be nice if Government, having burdened us with the responsibility for our neighbourhoods and our communities, actually allowed us to get on with the job of shaping them.

Most disappointing, saddening, and really not what one would hope for from a progressive government.

HOUSES IN MULTIPLE OCCUPATION

Message from CLG to the NAG

Tuesday, 29 June 2010

Thank you for your e-mail of 17 June to Grant Shapps MP regarding your concerns about the Government's intention to amend the planning rules for houses in multiple occupation (HMOs). I have been asked to reply.

The Government shares your concerns about the impact that uncontrolled HMO development is having in certain areas. However as you point out in your letter the current rules are not ideal. They are imposing a burden on landlords and local planning authorities in areas where HMOs are not causing problems and where this type of housing provides a vital source of low cost accommodation.

The planning system needs to allow people to respond to the particular circumstances in their area. It needs to allow free development in those areas where HMOs are needed while enabling areas with problems to take local action to deal with them. That is what our proposals are seeking to do.

In your letter you raise particular concerns that Article 4 directions will not be flexible enough to allow local authorities to respond quickly to changes in local circumstances. However, local authorities have the power to implement Article 4 directions with immediate effect and since the HMO consultation last summer we have made it easier for them to use these powers by removing the requirement for the Secretary of State to approve directions.

We recognise that there will be costs associated with the use of these powers and therefore, as part of these proposals we intend to amend the compensation provisions to reduce local authorities' liability. However we think it is right that in delivering local solutions authorities make a judgement on whether the benefits outweigh the costs associated with taking action.

We are keen to ensure that the proposed changes to the rules work effectively for local areas. That is why we intend to work through the details of the proposals with key partners representing the differing views on this matter before we go ahead with any changes to the legislation.

[Attachment to e-mail message from Theresa Donohue,
Planning-Development Management, CLG
29 June 2010]

HOUSES IN MULTIPLE OCCUPATION: CONSULTATION ON CHANGES TO PLANNING RULES

***'Democracy means government by discussion
but it is only effective if you stop people talking.'***

[Clement Atlee, Prime Minister 1945-1951]

Note: The Minister's statement and the accompanying CLG press release placed emphasis on two things:

- on encouraging 'local people to take responsibility for shaping their communities';
- and on the need to work/consult with 'interested partners' to ensure that the new rules would work 'effectively for local

people without placing unnecessary burdens' on businesses/landlords.

Although, as far as one can see, there remained a question mark over how 'local people' taking 'responsibility for shaping their communities' translates into reality, the Minister's announcement translated itself into a letter of invitation, which Richard Tyler received as the Co-ordinator of the National HMO Lobby, to what was referred to as an 'informal consultation' with 'key interested partners', rather than as part of a full, public consultation.

CLG PROPOSALS FOR CONSULTATION

Friday, 18 June 2010

I write to invite you, on behalf of Grant Shapps, the Minister of State for Housing, to take part in an informal consultation on amending the planning rules for houses in multiple occupation (HMOs).

In a written statement to Parliament today the Minister announced his intention to replace the current blanket requirement to submit planning applications for material changes of use from family houses to small HMOs with a system which allows those areas experiencing problems with HMO development to take local action.

We believe it is important to get the new rules in place as soon as possible and we therefore like to work through the detail of the proposals with key interested partners rather than undertake a full public consultation.

We would value your input into the development of these proposals to ensure that they work effectively for local people without placing any unnecessary burdens on those who are unaffected by HMO development.

I attach a brief note on the proposals and a list of consultation questions. Copies of the draft legislation will follow in the next few days. Our aim is to lay the necessary legislation before Parliament by the beginning of September, with the new rules coming into effect on 1 October 2010. With this in mind we would appreciate your written comments on the proposals by **Friday 9 July**.

It may be helpful to discuss the proposals face to face and we therefore intend to set up meetings in the week commencing 5 July. We will be in touch shortly to discuss the arrangements with you.

I would be grateful if you could confirm that your organisation is willing to take part in the consultation and provide contact details for the person who will be dealing with this matter. ...

NOTE ON PROPOSALS FOR CONSULTATION

We propose to:

- retain the current legislative provisions i.e. the C4 use class for small HMOs and the permitted development rights to change from a C4 HMO to a C3 dwelling house
- amend the legislation to make changes of use from C3 dwelling houses to C4 HMOs permitted development as well
- amend the compensation provisions for Article 4 directions to reduce local authorities' liability to pay compensation.

Our aim is that the necessary legislation will be laid before Parliament at the beginning of September and the changes will come into effect on 1 October 2010.

BACKGROUND

There is a current blanket requirement for applications for planning permission for material changes of use from dwelling houses to small HMOs. This imposes a regulatory burden on landlords and local authorities in those areas where HMO development is not a concern. There is a risk that this will deter prospective landlords from entering the market and endanger the supply of what is a vital source of low cost housing in many areas.

However there is a belief that the planning system needs to enable local people to take action to deal with specific local problems such as those which can be associated with concentrations of HMOs.

The proposals outlined above will mean that, in future, any change of use between C3 dwelling houses and C4 HMOs can take place freely without the need to submit planning applications. Where there are concerns about the impact of future HMO development in a particular area, local authorities will be able to use existing powers, in the form of Article 4 directions, to remove the permitted development rights and require planning applications for such changes of use.

There will be costs associated with the use of Article 4 directions. In order to reduce local authorities' liability we are proposing to apply the compensation provisions inserted by s189 of the Planning Act 2008 to this kind of development. Currently local authorities are liable to pay compensation for the 12 months following the effective date of the direction. We intend to make changes to the compensation provisions to limit their liability further so that they are only liable if they choose to implement Article 4 directions with immediate effect or with less than 12 months notice. In delivering local solutions it will be for authorities to make a judgement on whether the benefits outweigh the costs associated with taking action.

CONSULTATION QUESTIONS

- Do you consider that the proposals will allow local areas to take action without imposing unnecessary burdens on unaffected areas?
- If not, why not? What do you think could be done, within the constraints of the current planning framework, instead?
- Do you think there will be unintended consequences as a result of the proposed changes? If so what will they be and how do you think they could be mitigated?
- Do you think there are any other changes which need to be made to make this approach work more effectively e.g. to HMO definition?
- Do you have any information on costs/benefits which would be relevant to impact assessment?
- Do you think LPAs will choose to issue Article 4 directions with immediate effect or less than 12 months notice?
- How should we monitor the impact of these proposals and assess their success? What is the best review approach?
- Do you have any comments on the legislation as drafted?

[Sent by CLG to Richard Tyler,
National HMO Lobby Co-ordinator, 18 June 2010]

CONSULTATION ON CHANGES TO PLANNING RULES: EVERYONE'S VIEWS WELCOME

*'If liberty and equality,
as is thought by some are chiefly to be found in democracy,
they will be best attained when all persons alike share in the
government to the utmost.'*

[Aristotle, 384-322 BC: Politics]

One of the outstanding features of the campaign to change HMO legislation has been how local councillors of all parties and constituency MPs sitting on both sides of the House of Commons, have supported that campaign.

The General Election saw radical changes to the overall political topography, so it was reassuring then (and now) to know that the cross-party consensus on HMOs and HMO legislation had survived, even though some of the names and faces had changed.

One of the returning faces was that of Alan Whitehead who retained his Southampton Test seat, whilst Loughborough's Nicky Morgan became one of the 'new faces'. Their questions in the House, as reported in *Hansard*, are fine examples of how MPs from both sides of the political divide contributed to the consultation debate.

Nottingham's new constituency MPs, Lilian Greenwood (Nottingham South) and Chris Leslie (Nottingham East) also pitched in, and gave support in Parliament and in our neighbourhoods.

Originally, the invitation to take part in the consultation was sent to a very restricted list of individuals and organizations which, though it did include the National HMO Lobby, was heavily weighted towards other 'partners' such as the private rented sector and Higher Education.

However, Richard Tyler's suggestion that participation should be widened to include the Core Cities (which include Nottingham), the Councillors Campaign for Balanced Communities (CCBC), the All Party Parliamentary Group on Balanced and Sustainable Communities (APPG), NORA and the Coastal Communities Alliance was accepted.

But that wasn't an end to it. Strong reactions came from a variety of different directions: planning authorities, including Nottingham City Council, planners' professional bodies, individual National HMO Lobby members and, of course, MPs.

In fact, it was one of the new faces, Nicky Morgan, who, having expressed to Grant Shapps the fury of SARG members (Loughborough's representatives in the National HMO Lobby Group) and others about the proposed amendment of the legislation, passed on the news to her constituents that he, Grant Shapps, welcomed views from everyone in response to his short consultation. even though, like the NAG, they had not received formal invitations to do so.

Needless to say, Nottingham responded. Nottingham City Council submitted a detailed reply, and an e-mail submission to the Minister was sent on the 7 July from the NAG.

A few days earlier, Richard Tyler had submitted a 12-page response on behalf of the National HMO Lobby. This can be downloaded from the Lobby's website www.hmlobby.org.uk.

We have all come to expect National HMO Lobby publications to be highly professional, detailed and erudite. This latest response to a CLG consultation was no exception. If you have access to the internet, it is more than worthy of your time to take a look at it. However, as not everyone by any means has internet access, the Executive Summary, which gives an overview of the document's contents and the National HMO Lobby's responses to the questions posed by the consultation, begins the next section of this magazine. Also included is the full and detailed response from the Royal Town Planning Institute alongside a report on Loughborough University's reactions to

the proposals. Taken together, it is hoped they illustrate not only the complexity of the issues, but also the breadth of the opposition to Grant Shapps' proposals.

[Editor]

NATIONAL HMO LOBBY: Executive Summary of Responses to Consultation on Changes to Planning Rules

The National HMO Lobby:

● **questions** whether the government's proposals will actually "take account of ... differing circumstances and allow for local solutions rather than continue with the present 'one size fits all' approach" (Minister for Housing, Written Ministerial Statement, 17 June 2010);

● **proposes** an alternative opt-out 'traffic-light' strategy, enabling a range of local options, offering genuine 'local solutions to local problems', by means of Local Development Orders, as recommended in the Budget "as part of the shift to a more locally driven planning regime" (HM Treasury, Budget 2010, para 1.89).

If the government resolves not to accept its proposal, the Lobby

● **recommends:** (1) that the relevant legislation be amended to remove from local authorities all liability to claims for compensation arising from Article 4 Directions on HMOs; and (2) that the relevant legislation be amended to restore fees for planning applications arising from Article 4 Directions on HMOs

NATIONAL HMO LOBBY TRAFFIC LIGHT STRATEGY

Note: One of the questions asked by the consultation was: 'What do you think could be done, within the constraints of the current planning framework, instead [of using Article 4 Directions to control HMO concentrations]?'

The HMO Lobby's response to this was to postulate an alternative 'zonal traffic light' approach which, as the Lobby's response asserts:

- 'would actually work';
- would 'require no amendments, either to the Use Classes Order (UCO) or to the General Permitted Development Order';
- and 'simply makes imaginative use of the powers already available, to the benefit of those who wish to avoid regulation of HMOs, and to those who find it essential', replacing 'an 'opt in' to HMO regulation with an 'opt out' from HMO regulation.'

GREEN ZONES:

Local authorities who wish to encourage HMOs (or "where HMO development is not a concern") would introduce a Local Development Order (LDO) (as provided by S40-41 of the Planning & Compulsory Purchase Act 2004; see also, CLG Circular 01/2006, *Guidance on Changes to the Development Control System*, paras 4-45), giving permitted development rights for change of use from C3 to C4 in (parts of) their area. This would be straightforward, since notification only to the Secretary of

State is required, and the council would be under no liability for compensation claims. (In fact, LDOs were commended in the recent Budget Report, para 1.89, “as part of the shift to a more locally driven planning regime.”)

AMBER ZONES:

These constitute the default position. Local authorities who are un-committed on the development of HMOs would process applications for change of use from C3 to C4 on a case-by-case basis, under the present UCO. If they find that they have a need for low-cost shared housing, they can consider adopting a Green Zone, and introduce a LDO to (parts of) their area. On the other hand, if they discover from applications received that detrimental concentrations of HMOs are beginning to develop in a locality, they can consider adopting a Red Zone, and introduce local HMO policies into (parts of) their area.

RED ZONES:

Local authorities who wish to discourage HMOs in (parts of) their area would introduce local HMO policies (for instance, Supplementary Planning Documents or restraint policies or threshold policies) which enable them to deploy their powers under the amended UCO systematically, in order to resist the development or deterioration of concentrations of HMOs ...

The present rules make Amber and Red Zones possible. The opt-out Green Zone, available through LDOs [Local Development Orders], completes the range of options. Some councils in London might adopt a single Zone for their whole area (e.g. a Green Zone throughout Richmond on Thames), many elsewhere would adopt different Zones in different areas (e.g. Leeds, Newcastle, Nottingham). What this offers is *genuine* 'local solutions to local problems.'

[Paragraphs 08-12, National HMO Lobby:

'Response to the Consultation on Houses in Multiple Occupation (HMOs): Changes to Planning Legislation', 1 July 2010]

LOUGHBOROUGH UNIVERSITY:

Summary of Response to Consultation on Changes to Planning Legislation

There is always a danger that issues like HMOs and changes to planning legislation result in an expectation of certain, stereotypical responses from whichever 'side' of the argument happens to be involved: 'Leopards don't change their spots'.

But there are always exceptional circumstances, exceptional organizations and exceptional people who don't so much 'change their spots', as adopt their own highly individual, and very welcome take on matters and respond accordingly. Loughborough University, its relationship with the community, and its reactions to that community's worries tend to fall into that category.

Loughborough submitted responses to the original 2009 CLG consultation about HMOs and possible planning responses, both directly and also through Universities UK.

At the time the University had been strongly supportive of the creation of a new Use Class for HMOs.

In June 2010, having learnt of the new Minister for Housing's proposals to change the legislation, the University wrote to Government urging it to reconsider the

proposals and stating its case for doing so. In essence, the University expressed to CLG its continuing belief that the issues associated with concentrations of HMOs which had led it to support a new Use Class for HMOs in the first place were still as pertinent in 2010 as they had been in 2009. Nothing had changed.

For Loughborough, community balance was of major importance, and it would continue to put substantial amounts of time, effort and resources into community-related issues.

Although it could be argued that the University itself would not be affected directly by whatever changes in planning legislation emerged, the communities in Loughborough and the local council (Charnwood Borough Council) would be, and this was important to the University.

The University had sought advice from the Borough Council about the practicability of using Article 4 Directions, as was being proposed by CLG. In response the Council had expressed reservations about the practicality of implementing Article 4 Directions for the purpose of controlling the concentration of HMOs, very largely focused on the additional cost which, in the current economic climate made it difficult to see how Charnwood could use Article 4 Directions in the manner suggested by the Minister's proposals. Thus local communities could well find themselves faced with even more concentrations of HMOs in the future.

After having taken into account the Government's worries about the effects of the April 2010 legislation on the private rented sector and the supply of HMOs, the University suggested an alternative approach.

This had been part of its submission to the 2009 consultation, and, if used, would remove the need for the changes being proposed by the Minister, whilst still addressing Government's concerns:

"For those local authorities that do not encounter problems with high concentrations of HMOs supplementary planning policies, which provide additional planning guidance, could be introduced. These could support the demand for HMOs based on the particular demand or otherwise for HMOs within individual local authorities."

Loughborough therefore concluded that the National HMO Lobby proposal for a 'traffic light' system was very similar and advocated that the Government should consider implementing such a system rather than make the changes it was proposing.

[Editor]

ROYAL TOWN PLANNING INSTITUTE:

Response to Consultation on Changes to Planning Rules

The RTPI is a membership organisation representing over 22,000 spatial planners. It exists to advance the science and art of town planning for the benefit of the public. This response has been informed by the involvement of members of our networks, including the RTPI/CIH Planning for Housing Network and the National Association of Planning Enforcement.

We wish to make it clear at the outset that the Institute completely supports the principles behind what the Minister is proposing: to reduce unnecessary bureaucracy

for councils and landlords, and ensure that local communities have the powers to appropriately manage development in their areas.

We are however concerned that the current proposals – effectively the blanket removal of councils’ ability to manage controversial developments in their own areas – will in practice have the opposite effect.

Our starting position is that local communities have been campaigning for years for councils to be given more powers to manage HMOs as a result of the real and perceived harmful impacts that can arise. The April 2010 reforms achieved this and appeared to be broadly and enthusiastically welcomed by communities.

However, councils’ abilities to manage development will be disadvantaged by the current proposals because:

1. While it is recognised that, in terms of quantity and the erosion of character of broad areas, the impact of HMOs is particularly problematic in certain areas (university cities, coastal towns, etc), there are more subtle and localised impacts in areas where HMOs are less common or dispersed, particularly:

- the potentially harmful impacts of a single HMO on neighbouring properties; allowing conversion under permitted development prevents councils from mitigating impacts on neighbours through conditions or planning obligations – it is not possible to use Article 4 directions to regain control over sporadic HMO development;

- the removal of councils’ ability to protect the piecemeal loss of (often relatively affordable) family houses from their local housing stock; with permitted development taking place, councils would not have any data on the loss of family housing unless by resource-intensive specific survey.

2. Community pressure to ensure that appropriate management of HMOs is achieved will only be addressed with substantial delay – if an Article 4 direction with notice is pursued – or substantial cost – if an Article 4 direction without notice is pursued, because of the risk of compensation.

3. Whichever route is pursued, councils could reasonably be faced with criticism for unnecessary bureaucracy – in the lengthy process applying for the Article 4 direction – or unnecessary expenditure – on compensation merely to re-establish existing controls.

4. This latter issue will be particularly pertinent where councils have opened a dialogue in good faith with communities about HMO issues and are now faced both with planning permission being conferred on all existing unauthorised HMOs (if there is a gap between granting new PD rights and their removal by Article 4, an unintended consequence would be to grant a permission to all HMOs already developed or started) and also being told that further development cannot be resisted because of the potential compensation costs entailed.

And yet it should be noted that local planning authorities (LPA) already have a route to freeing landlords from unnecessary bureaucracy whilst being entirely open to local community influence and comment; that route is the Local Development Order (LDO).

Indeed LDOs were recommended in the Budget “as part of the shift to a more locally driven planning regime” (HM Treasury, Budget 2010, para 1.89).

Where HMO development is not a concern, or where a community has identified an area in which HMOs would be welcomed in order to meet a particular housing need, the council can introduce an LDO, giving permitted development rights for change of use from C3 to C4 in all or parts of their area. This would be straightforward, since no application, only notification to the Secretary of State is required, the Council would be under no liability for compensation claims, and unnecessary bureaucracy would be removed. LDOs also have the advantage that they can specify criteria and impose conditions on the development thereby permitted.

The Minister may be able to devise an incentives arrangement – beyond the facilitation already offered by PAS – for the use and adoption of LDOs, such as incorporating this into the Audit Commission assessment processes. The planning profession, through the RTPI, offers to assist with LDO use by working on best practice guidance and, if appropriate, developing model orders and provisions, if this would be of assistance.

Adopting a position that is the obverse of this – i.e. that local authorities can only regain a control on behalf of communities via Article 4 directions granted by central government – may inevitably lead to local authorities:

- chasing HMO issues around their area as controlled areas displace HMOs to adjacent areas and new Article 4 directions may not be capable of being applied quickly enough to effect control – an outcome of this could be a temptation for councils to apply Article 4 controls across their whole area;

- having no control over dispersed HMOs;
- having to address HMO issues arising against which the local authority would have no effective enforcement routes;

- lacking clarity in their guidance to potential development investors whilst their policy positions within the amended legislation are reviewed and pending clarification and making effective;

- losing income because within the controlled area planning applications would have to be considered without any commensurate income to the LPA;

- having ineffective Core Strategies and LDDs; some councils have committed themselves to introducing Supplementary Planning Documents on HMOs - these commitments and/or their usability will now be called into question.

The imposition of an Article 4 direction does not in itself prevent unwelcome developments taking place. Landlords and developers who consider they have a case to provide HMO accommodation within an Article 4 area, and can turn a profit from their business, will apply for planning permission, just as they have to do now. Councils will need to support their Article 4 directions with area-specific policies on how applications for HMOs will be dealt with.

The RTPI recognises that a weakness of the system put in place in April 2010 was its reliance on Local Development Orders, which have been used less by councils than was anticipated on their introduction in

2004, and so their effectiveness is not considered to be proven by some observers. We note however that many councils do not have experience with Article 4 directions either, and confidence in their effectiveness outside the area of heritage conservation is also in doubt, particularly with the threat of compensation that does not apply to LDOs.

We emphasise that the use of LDOs has been promoted by government in its recent Budget, and the Institute offers to work with its partners in the industry to prepare model LDOs to assist councils in implementing the current system.

Addressing the specific consultation questions in turn:

Q1. Do you consider that the proposals will allow local areas to take action without imposing unnecessary burdens on unaffected areas?

Q2. If not, why not? What do you think could be done, within the constraints of the current planning framework, instead?

We do not consider the proposals will enable action without unnecessary burdens, because on balance the proposal will reduce the ability of local areas to manage an issue that can be very contentious in local planning terms and on which many councils have been devising local solutions with the help of the existing legislation.

The use of Article 4 Directions is time-consuming, difficult now to change over to and impractical. The likely result is that there would be an unmanaged rush of HMO-related development contrary to community wishes ahead of Article 4 directions being made, and that once they are in place, HMOs would simply move to the nearest non Article 4 area.

We also take issue with the concept of “unaffected areas”. Where areas are completely unaffected by HMOs then there is not a burden, of course, but some areas are affected by individual or dispersed HMOs without the quantity or cumulative impacts that affect, for example, the areas of university cities and seaside towns that the current proposals intend to be managed through Article 4 directions. Nonetheless, residents of these areas will suffer from the impacts of unmanaged sporadic HMO development that will result from the proposed permitted development regime.

In these so-called “unaffected areas” the limited number of planning applications arising from HMOs under the current system is not considered to be a burden either for councils or for landlords/developers, and is certainly not a burden that is unnecessary or disproportionate to the comfort that the current controls give to individuals and families residing in those areas.

Councils already have a route to freeing landlords from “unnecessary” bureaucracy whilst being entirely open to local community influence and comment; that route is the Local Development Order (LDO), as recommended in the Budget “as part of the shift to a more locally driven planning regime” (HM Treasury, Budget 2010, para 1.89).

Where HMO development is not a concern, the local planning authority can introduce a Local Development Order (LDO) (as provided by S40-41 of the Planning & Compulsory Purchase Act 2004; see also, CLG Circular 01/2006, Guidance on Changes to the Development

Control System, paras 4-45), giving permitted development rights for change of use from C3 to C4 in all or parts of their area. This would be straightforward, since no application to the Secretary of State is required, the Council would be under no liability for compensation claims, and unnecessary bureaucracy would be removed. The Minister may be able to devise an incentives arrangement – beyond the facilitation already offered by PAS – for the use and adoption of LDOs, such as incorporating this into the Audit Commission assessment processes.

Q3. Do you think there will be unintended consequences as a result of the proposed changes? If so, what will they be and how do you think they could be mitigated?

Yes, in towns which are not a university or coastal town, councils will lose all control over HMOs in their areas. The substantial work already undertaken in many councils to limit the effects of HMOs in terms of density, parking, character, noise and litter as well as improving the living conditions for the HMO occupants could be undermined and would certainly be derailed.

Case law (see *Cole v Somerset County Council* [1957] 1 QB 23) provides that Article 4s cannot be used where development has already been carried out.

Since there will inevitably be a gap between granting new PD rights (if introduced in October) and removal by Article 4, a permission could be granted for existing unauthorised HMOs (since development will have already been commenced and completed by the time the Article 4 is made). **Possible Mitigation:** Amend the legislation and/or guidance to ensure that the amendment to PD rights will not grant planning permission to existing unauthorised HMOs and/or that an Article 4 direction can be brought in immediately which will have the effect that existing unauthorised HMOs will still require planning permission.

We are also concerned that the Council may be exposed to a difficult-to-predict and certainly unbudgeted number of claims for compensation under Section 108 of the Town and Country Planning Act 1990 if they make Article 4 Directions with less than 12 months notice. Councils will inevitably be wary of using such Article 4 directions where it feels the need to do so, in view of the risk of compensation claims but Councils should not be prevented from exercising their powers through risk of claims for compensation. **Possible Mitigation:** Measures are needed to ensure both that Article 4 directions can be made with immediate effect at the same time as the new PD rights are granted and that authorities will face no claims for compensation under Section 108 where this is done. This should in particular be the case where LDP and/or other SPD already make clear the intention of the Council to exercise control in particular localities or, exceptionally, across their area. In any event, clarity is required that compensation should only be payable where the LPA have acted unreasonably and not by simply exercising control functions in a responsible and reasonable manner.

Q4. Do you think there are any other changes which need to be made to make this approach work more effectively, e.g. to HMO definition?

Yes. To avoid confusion and to assist landlords that operate across England, guidance and HMO definitions do need further clarity and this should be achieved by relating definitions to that included in the Housing Acts.

Q5. Do you have any information on costs/benefits which would be relevant to impact assessment?

We do not have any cost/benefit data. However, it is important that costs should take account of the increase in neighbour complaints to be investigated and the loss of the application fees, particularly those in the Article 4 areas designed to regain a control.

Q6. Do you think LPAs will choose to issue Article 4 directions with immediate effect or less than 12 months notice?

It seems inevitable that some LPAs will be forced to issue directions without the normal notice as this would be the only option remaining, rather than lose control entirely. However, most LPAs will be very wary of adopting such a step because of its lack of transparency, largely unquantifiable but evident risk of claims for compensation and the risk to their reputation with local communities who would expect to be consulted.

Q7. How should we monitor the impact of these proposals and assess their success? What is the best review approach?

In the first instance, the Institute considers that the existing system should be given more time to demonstrate its effectiveness, and that, if the government remains convinced that the blanket removal of council's general

ability to manage changes of use to HMOs is a better way forward, it should consider piloting this approach in a small number of representative and willing local authorities.

But as things stand, the impact of the current proposal is largely un-monitorable because information on the number of "unnecessary" planning applications, both before and after the changes, can only be estimated with all the attendant unreliability of estimates. In the Institute's view, the best position would be to work better within the LDO framework and in parallel review whether the extent of de-regulation now suggested is justifiable and if it is show to be so, then plan ahead with more than 12 month's notice to avoid a complex and avoidable compensation bill arising.

In the Institute's view it was an error not to allow a formal period of consultation on these proposals which would have drawn on the practical experience and judgment of local authorities and communities, in particular those that expressed views on the last set of proposals which were recently and widely discussed. It is these sources of feedback that will be reporting back publicly on the impact of the amended arrangements and they will inevitably start from a jaundiced and sceptical position, doubting that their views and experiences are valued and open to being weighed carefully alongside the interests of the property industry.

Q8. Do you have any comments on the legislation as drafted?

Yes, the comments on the gaps in the legislative position are set out above.

[Royal Town Planning Institute, 9 July 2010]

DELOS & MYKONOS 'SENSIBLE APPROACH TO MANAGE SHARED HOMES'

*'The Moving Finger writes; and, having writ,
Moves on: nor all thy Piety nor Wit
Shall lure it back to cancel half a Line,
Nor all thy Tears wash out a Word of it. ...'*
[The Rubaiyat of Omar Khayyam]

Note: Grant Shapps' determination to rush through his amendments to HMO planning legislation meant that he needed to put his proposals before Parliament in September 2010. On Tuesday, 7 September a letter to 'key partners', passed on to the NAG, began by saying that '... after careful consideration of the representations received from key partners and others, Ministers have decided to proceed with the changes to the planning rules for houses in multiple occupation (HMOs) as announced.' It confirmed that the two Statutory Instruments which would achieve the changes had been laid before Parliament and would indeed come into effect on 1 October 2010.

The Statutory Instruments were:

'The Town & Country Planning (General Permitted Development) (amendment) (No.2) (England) Order 20120 (2010 No.2134) will



Temple Ruins, Delos: Photography courtesy of & ©Matt Barrett

make changes of use from Class C3 (dwellinghouses) to Class C4 (houses in multiple occupation) permitted development.

The Town & Country Planning (compensation) (No.3) (England) Regulations 2010 (2010 No.2135) will reduce local authorities' liability to pay compensation where they make article 4 directions as follows: •where 12 months' notice is given in advance of a direction taking effect there will be no liability to pay compensation; and •where directions are made with immediate effect or less than 12 months' notice, compensation will only be payable in relation to planning applications which are submitted within 12 months of the effective date of the direction and which are subsequently refused or where permission is granted subject to conditions.

Stripped of its jargon, what this meant was that:

(a) The conversion of a family home into an HMO, whilst being recognized as a fundamental change of use, would be classified as a permitted development, and so would not need planning permission;

(b) However, councils could remove the 'permitted development' right by using an Article 4 Direction (A4D). If they went down this route, and gave 12 months notice of their intention to do so, they would have no liability to pay compensation, e.g. to owners and developers. However, if they decided to make an A4D with less than 12 months' notice, they would be liable to pay compensation.

On the same day, CLG put out a press release explaining that the Minister's 'sensible approach to manage shared homes' would mean that 'landlords and councils will no longer be faced with bureaucracy aimed at micro-managing rented housing.'

Having accepted that 'Too many shared homes in one area can cause problems. A high number of short term tenants with little stake in the community can leave an area with an unloved look and feel, which can sometimes create seasonal ghost towns that harm local economies, anti-social behaviour and an increase in crime,' the press release emphasized that 'Currently up to 8,500 planning applications may be added to the system each year if every landlord looking to turn their property into a shared home is forced to submit an application, regardless of local circumstances.'

It ended with a quote from the Housing Minister which by its tone, particularly its choice of words, becomes more interesting and revealing each time it is read:

'Councils understand their local area best, and they don't need burdensome rules that assume housing issues in every town, village and hamlet are exactly the same. I am also committed to safeguard the supply of rented housing – shared homes are vital for people who want to live and work in towns and cities, and are important to the economy.'

'That's why I'm giving councils greater flexibility to manage shared homes in their local area. Where there are local issues with shared homes, councils will have all the tools they need to deal with the problem – but they will avoid getting bogged down in pointless applications, and landlords won't be put off renting shared homes where they are needed.'

ONE HUNDRED AND SEVENTY SEVEN DAYS

6 April 2010 to 1 October 2010

So, on 1 October 2010, only 177 days after the previous legislation came into effect, Grant Shapps' amendments superseded it. Well, not so much superseded, as almost completely overturned it. All that was left was the definition of a small HMO and a separate Use Class Order (C4) for these HMOs. Gone was the need to seek planning permission before converting a 'family home' into an HMO: this was now a 'permitted development'.

The possibility of using Article 4 Directions, though no

doubt better than the proverbial slap in the face with a wet dish cloth, did not inspire much confidence or enthusiasm. All of which is not to say that, as you have already seen, before the event the passage from one set of planning rules to another went entirely uncontested. Even after the event rear guard actions were under way.

MILTON KEYNES' JUDICIAL REVIEW

On 29 September, Milton Keynes Council (with Oxford and Newcastle City Councils), having already explored the possibility of doing so, made a request to the High Court for a Judicial Review of the new HMO regulations along with an application for an interim injunction to prevent the regulations from coming into force. They were supported in this by a number of university and seaside towns. Included in their claim were witness statements from Bristol City Council, Charnwood Borough Council, Leeds City Council, the National Organisation of Residents Associations, Nottingham City Council, and Torbay Council.

Although the request was adjourned, and the regulations came into force as planned on the 1 October, there were judged to be sufficiently grounds for the Government to be required to enter a defence to all the matters raised by the 8 October.

As reported on the Royal Town Planning Institute website (www.rtpi.org.uk), the request for Judicial Review was turned down on the basis that: •the Government had been entitled to rely on the 2009 consultation and therefore did not need to reconsult; •the impact assessment showed that the Government had considered the financial impact of the new legislation on local authorities; •primary legislation already provided the means for parliamentary scrutiny of the Statutory Instruments; •a high level of political agreement does not lead to a legitimate expectation enforceable in public law proceedings; •there had been no error of law.

However, on the 20 January 2011, Milton Keynes, Newcastle and Oxford were granted permission to apply for a second Judicial Review, due to take place before the end of April 2011.

EARLY DAY MOTIONS

On the 14 September Early Day Motions (Nos 729 and 730) 'praying' for the legislation (Statutory Instruments) to be annulled, were tabled in the House of Commons. Both EDMs were signed by 46 MPs, including those for the Nottingham South (Lilian Greenwood) and Nottingham East (Chris Leslie) constituencies.

A cross-Party Statutory Instruments Committee of MPs debated the EDMs on the 16 November with Alan Whitehead (Southampton Test) (Lab) and Grant Shapps (Minister for Housing & Local Government) making the principal speeches.

In the event, the legislation was opposed by the five Labour members of the Committee, but supported by seven Conservative members and both of the Liberal Democrats. Therefore the legislation remained in place.

WESTMINSTER HALL DEBATE ON HMOs

As disappointing as the EDM debate result had been, it is likely that the activity generated by it contributed to

Nicky Morgan's (Loughborough, Con) success in securing a one-hour debate on HMOs in Westminster Hall on Thursday, 18 November. Nicky Morgan opened the debate, noting in her introduction that she had received messages of support from a number of MPs (including Members representing Durham City, Oxford East, Oxford West, and Abingdon) who, though not able to come, wished to confirm that concentrations of HMOs were huge problems in their constituencies. Others who spoke, all opposed to the new legislation, were Sarah Newton (Truro & Falmouth, Con), Greg Mulholland (Leeds North West, LD), Lilian Greenwood (Nottingham South, Lab), Chris Leslie (Nottingham East, Lab/Co-op), Mark Lancaster (Milton Keynes North, Con), Alan Whitehead (Southampton Test, Lab), Conor Burns (Bournemouth West, Con), Justin Tomlinson (North Swindon, Con), and Alison Seaback (Plymouth, Moor View, Lab).

The sole supporter of the legislation was Andrew Stunell, the Parliamentary Under-Secretary of State for Communities & Local Government who, in the absence of the Housing Minister himself, answered for the Government.

As Nicky Morgan commented, it is to be hoped that Andrew Stunell's presence was 'because the Department [CLG] realises that this is a topic of serious concern to quite a large number of hon. Members, so two Ministers need to take an interest in it.'

Reading through the *Hansard* report of the debate, it is clear that Nicky Morgan set an excellent tone, by and large maintained throughout by other Members' contributions. These were not only well-considered and well-informed, but showed how well-aware the MPs

involved were of their constituents' depth of concern about HMOs and the impact they continue to have. With so many good points being made by so many different MPs, it is frustrating that the constraints of space and money mean that the *Hansard* report of the debate cannot be published here in its entirety, though it, like the EDM debate, is accessible on the internet at www.publications.parliament.uk.

Equally, electing to print the contribution made by one MP rather than another is an invidious choice which, with two exceptions, I am not prepared to make.

The first of these exceptions is Alan Whitehead pointing out that '*...the debate is not about students or studentification. It is about balanced and sustainable communities in those parts of the country where students – but not exclusively students – occupy HMOs. ...*'

As for the second, the final words must be those of local residents. As reported by Nicky Morgan, the comments are those made by SARG (Storer & Ashby Area residents Group) in response to Grant Shapps' consultation. They say it all: '*We fail to understand why you are overlooking the responses of 92% of more than 900 respondents to last year's country wide HMO consultation. ... Your decision to revert to the status quo, with some slight changes to Article 4 Directions is like a slap in the face to local communities. We have been told for years by our local authority that Article 4 is not a practical means of control, more so now, in view of cutbacks to budgets and workforce. This implies that you are happy to consign communities like ours to eventual extinction.*'

[Editor]

ISTANBUL HERE THERE BE DRAGONS

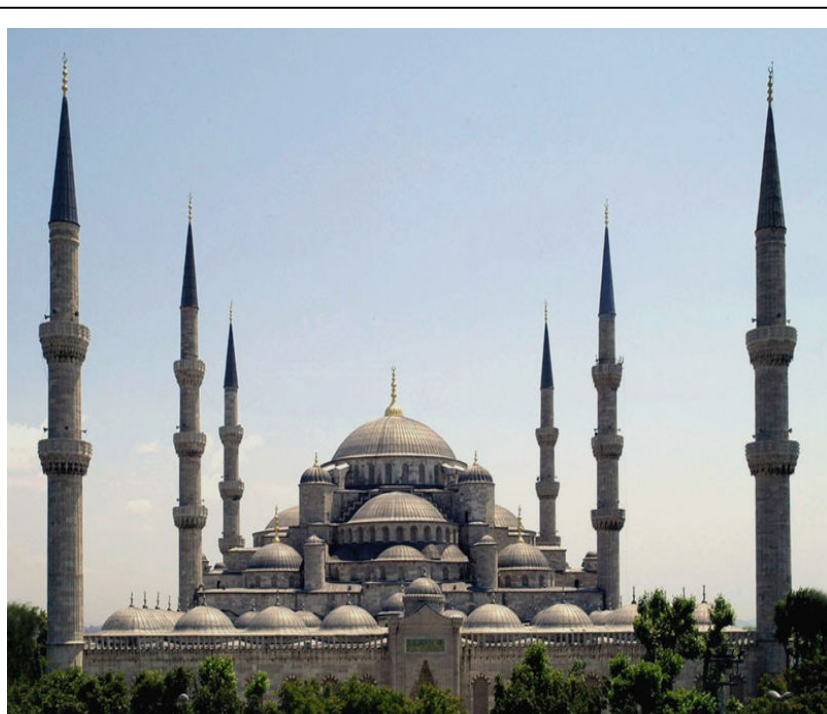
***'Awake! for Morning in the Bowl of Night
Has flung the Stone that puts the Stars to Flight:
And Lo! the Hunter of the East has caught
the Sultan's Turret in a Noose of Light. ...'***
[The Rubaiyat of Omar Khayyam]

At this point in the 'story' it's as well to pause and ask: 'What is an Article 4 Direction?'

I am no planner, but personal on-the-ground experience over the last ten years or so has taught me that a surprisingly large number of alterations to the outside of a property, or to the use land is put to, are 'permitted developments', i.e. do not require planning permission. Familiar examples include side and rear dormer developments, installing 'Velux' roof lights, demolishing boundary walls, replacing doors and windows.

However, a Local Planning Authority (LPA) can remove all or some of these 'rights' under Article 4 of the Town & Country Planning (General Permitted Development) Order 1995. While this does not mean that a development cannot take place, it does mean an application for planning consent needs to be made, and approval given, before the development can take place legally.

From all the arguments and discussions and



Sultan Ahmnet 'Blue' Mosque, Istanbul, Turkey: Photography courtesy of & ©Dersaadet

representations that have gone on for a while now, it seems that hitherto A4Ds have been used mostly as a tool to control changes that damage the special character of individual buildings, or of conservation areas. By their very nature the latter tend to be relatively small and well delineated. Neither are they dynamic. A single building is just that, and once the boundaries of a conservation area have been established, they are not likely to change. If there is a change, it is certainly not rapid.

Not characteristics one would easily ascribe to HMOs where conversion from 'family home' can be very rapid; concentration and spread are equally dynamic; and a line drawn around a neighbourhood can quickly become out-of-date. So, it is understandable why for so many planners and planning bodies using A4Ds to control HMOs is like contemplating sailing out of familiar home waters into those blank places on the map labelled 'Here there be dragons'.

That having been said, a goodly number of councils have done just that. The first of these is Manchester where a city-wide Direction was made on Friday 8 October 2010. This came into force on the 8 October 2011.

Manchester became the role model for 24 other local authorities which, at the end of October 2011, were all in the process of introducing Article 4 Directions, with another four giving consideration to doing so.

Nottingham began its voyage into uncharted waters with a Report to the Council's Executive Board on the 22 February 2011. Lengthy it certainly is, but thorough and comprehensive. Quite exemplary, which is why I would urge you to take a look at in its entirety on the Council's website

www.nottinghamcity.gov.uk.

Here, I have tried to distil it down somewhat, hopefully without missing out what might help to illuminate or inform.

[Editor]

EXTRACTS FROM REPORT TO NOTTINGHAM CITY COUNCIL EXECUTIVE BOARD

22 February 2011

Summary of the Issues:

This report provides details of changes to planning rules for Houses in Multiple Occupation (HMOs) that came into force in October 2010 and sets out a proposed response. The amendments introduced a permitted development right to change the use of a C3 Dwellinghouse to a C4 HMO (3-6 unrelated people sharing) thereby removing the requirement to obtain planning permission for such a change, a requirement that had only recently been introduced by the Government in April 2010.

Councils wishing to reinstate the need to obtain planning permission now need to issue an article 4 direction to remove the permitted development right brought in by the rule changes, specifying within the direction the geographical area to which it shall apply. An article 4 direction does not, of itself prevent the development to which it applies, but instead requires that permission is first obtained.

The report seeks approval for the making of such an article 4 direction to cover the entire City of Nottingham. In order to avoid compensation liability, it is proposed that 12 months' prior notice is given of the direction coming into effect. If confirmed, following consultation and notification to the Secretary of State, the direction would

enable the City Council to manage the number, location and effects of new C4 HMOs by considering the merits of individual planning applications within the context of the planning policy framework.

Benefits arising from the introduction of an article 4 direction:

- Opportunity to coherently support and manage the delivery of mixed and balanced communities in neighbourhoods throughout the city

- Ability to drive up standards of HMO accommodation in terms of appearance and function and to manage the effects of additional HMOs by the imposition of planning conditions

- Amelioration of the negative effects arising from high concentrations of HMOs

- Opportunity to consider proposals for additional HMOs on their merits having full regard to all issues and views at a local level

- Improved conditions in neighbourhoods benefiting existing citizens and enhancing the attractiveness of the city to visitors, investors and potential new residents.

RECOMMENDATIONS

1. That Executive Board authorises the making of a non-immediate direction under article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) that withdraws, city wide, the permitted development right to change the use of a C3 Dwellinghouse to a C4 House in Multiple Occupation with a prior notification period of 12 months before the direction comes into force.

2. That Executive Board gives delegated authority to the Head of Planning, Transport and Intelligence Strategy for (a) the making of this direction and the required notifications and management of the consultation process; (b) the preparation of a report, following notification and consultation, to inform the future Executive Board decision as to whether or not to confirm this article 4 direction. ...

Rules and Guidance on the Use of Article 4 Directions

- 1.5 Following the introduction of the rule changes in October 2010, consideration has been given to the most appropriate response, including the use of article 4 direction powers to reinstate the requirement for planning permission to be obtained for changes of use from a C3 dwelling to a C4 HMO within all or part of the City.

- 1.6 The Department for Communities and Local Government (CLG) has acknowledged in Circular 08/2010 Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation (November 2010) that high concentrations of shared homes can cause problems. The same point was made in a letter from the Housing Minister dated 17 November 2010. However, the view expressed by CLG is that problems associated with HMOs are only experienced in a small proportion of local authority wards and that the appropriate approach is not, therefore, to impose a blanket planning regulation, but instead for councils to use article 4 direction powers where a local problem is identified.

1.7 Since April 2010, the approval of the Secretary of State has not been required in order to issue an article 4 direction, although it is still necessary to notify him when a direction is made and also if it is subsequently confirmed.

1.8 Updated guidance on the use of article 4 directions was issued by CLG in November 2010 in the form of a replacement Appendix D to Circular 09/95. This includes the general statement that local planning authorities should consider making article 4 directions only in those exceptional circumstances **where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area.** It also states that in deciding whether an article 4 direction might be appropriate local planning authorities should **identify clearly the potential harm that the direction is intended to address.**

1.9 Further guidance in the new Appendix D on the use of article 4 directions states that local planning authorities, in deciding whether an article 4 direction might be appropriate may want to consider whether the exercise of permitted development rights would **undermine local objectives to create or maintain mixed communities.** This factor, amongst other additions mentioned, expressly expands the range of issues that may be judged to be relevant beyond those of harm to local amenity or damage to the historic environment that had previously been the main focus of consideration. In contrast to the earlier guidance, the new guidance now makes it clear that it is possible to make a **local authority wide** article 4 direction, but also emphasises that there should be a **particularly strong justification** for doing so.

1.10 Two types of article 4 direction can remove permitted rights to change from a C3 Dwellinghouse to a C4 HMO. Firstly, an article 4 direction may take effect immediately but this must be confirmed by the local planning authority following consultation within six months or it will lapse. Secondly, a non-immediate article 4 direction may be made which results in development rights being withdrawn only upon confirmation of the direction following local consultation.

1.11 The legal requirement for a non-immediate direction is that the local planning authority considers it is **expedient** that the development should not be carried out unless permission is granted for it on an application. For an immediate direction the local planning authority must consider that the development to which the direction relates would be **prejudicial to the proper planning of their area** or **constitute a threat to the amenities of their area.** Local authorities can elect to make a non-immediate direction in instances where it would be legally possible to make an immediate direction. The immediacy of the threat and **compensation liability** may be considerations in determining which to use.

have the clear advantage of straight away reinstating the Council's ability to manage new C4 HMOs. However, it would also expose the Council to potentially very high levels of compensation liability in cases where applications submitted within the first 12 months of the removal of the permitted development rights were refused or granted subject to conditions, such compensation being based, in part, on the difference in property values arising from the Council's decision.

1.13 A non-immediate direction with a prior notice period of 12 months would avoid compensation liability

and also allow the results of local consultation to be taken into account in advance of the Council deciding to confirm the direction and remove permitted development rights. However, there would be a delay in the Council's ability to manage additional C4 HMOs and a clear risk of acceleration in changes of use to C4 HMOs during the notice period, resulting in exacerbation of existing problems.

High Concentrations of HMOs and Associated Impacts

1.14 As referenced above, there is current Government recognition of impacts that can occur as a result of high concentrations of HMOs. A report published by the Government in 2008, Evidence Gathering: Housing in Multiple Occupation and possible planning responses – Final Report summarised the main impacts as:

- Anti-social behaviour, noise and nuisance
- Imbalanced and unsustainable communities
- Negative effects on the physical environment and streetscape
- Pressure upon parking provision
- Increased crime
- Growth in the private rented sector at the expense of owner-occupation
- Pressure upon local facilities
- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

1.15 There are several areas in Nottingham that are characterised by high concentrations of HMOs, including a significant proportion of housing occupied by students, and in which the above issues are evident. The impacts of these concentrations, including the undermining effect they can have on the creation of mixed and balanced communities and wider Council objectives have been acknowledged for some time.

1.16 The need to address these issues is reflected in existing planning policy within the Nottingham Local Plan 2005, particularly strategic policy ST1: Sustainable Communities that seeks to ensure that new development contributes to a balanced mix of housing size, type and affordability in the area and housing policy H6: Student Housing that aims to ensure that that development or maintenance of balanced communities is not prejudiced by housing for students, and that the effects of additional student housing are mitigated by planning conditions. The Supplementary Planning Document : Building Balanced Communities (re-issued in 2007) amplifies the Council's policy approach to student housing provision that in broad terms aims to divert students from the general housing market (in particular areas of over-concentration) into purpose built accommodation in appropriate areas, and to improve the environmental conditions in areas dominated by students.

1.17 This approach is carried forward in Policy 8 of the emerging Core Strategy that seeks to ensure that all new residential development maintains, provides and contributes to a mix of housing tenures, types and sizes in order to create mixed and balanced communities, with a particular emphasis on providing family housing to meet

Sustainable Community Strategy and Housing Strategy objectives. This general approach will be amplified by more detailed policies within the Land and Planning Policies Development Plan Document that is currently under preparation.

1.18 The introduction of an article 4 direction would not preclude additional C4 HMOs, but it would allow individual applications to be considered on their merits. At present, the City Council has the ability to manage additional large HMOs (with 7 more unrelated people sharing) through the planning process. Extending this to cover C4 HMOs would enable a more comprehensive approach to be taken, that recognises the contribution made by HMOs to meeting the City's housing needs and has due regard to wider housing strategy considerations along with application specific factors such as location, scale and quality of the scheme. This approach could also assist in driving up standards of HMO accommodation in terms of appearance and function, and improving conditions in neighbourhoods, thereby meeting the demands of a more diverse range of occupiers including young professionals.

1.19 The City Council holds data in relation to the numbers and distribution of HMOs, drawn largely from Environmental Health and Council Tax records. However, these records do not afford a completely comprehensive record of all HMOs and there is a strong likelihood of the actual numbers being significantly greater than the records indicate in some areas. Given the fluid nature of HMO uses, the precise number of properties in HMO use will also tend to fluctuate over time.

1.20 Current City Council Environmental Health information provides evidence of at least 6680 HMOs within the City, of which the vast majority are recorded within the Arboretum (20.9%), Berridge (11.7%), Dunkirk & Lenton (16.6%), and Radford & Park (19.5%) wards. The Council's records indicate that parts of other wards also have a significant proportion of the City's HMOs including Bridge, Dales, Mapperley, Sherwood, St Ann's, and Wollaton East & Lenton Abbey. The three wards with the highest proportion of their housing stock recorded as being HMOs are the Arboretum, Dunkirk & Lenton and Radford & Park and, according to Council Tax data, in some localised areas up to 90% of dwellings in some streets are occupied by students. In addition to these three wards, Council Tax data indicates high concentrations of students within parts of Wollaton East & Lenton Abbey and St Ann's wards. A recent comparison of sample areas in Dunkirk, Lenton and the Arboretum also indicated a continuing upward trend in the number of student council tax exemptions relating to the general housing stock.

1.21 This data provides evidence of over-concentrations of HMOs in some areas, significant presence of HMOs in others and an indication of a continuing upward trend in student occupation of the general housing stock in some parts of the City, creating on-going pressure on the availability of housing for other types of occupiers including families.

1.22 Experience of the effects of over-concentrations of HMOs in Nottingham is consistent with the findings of the Government published report referred to in paragraph 1.14 and concerns about the impact of over-concentration has led to the policy responses outlined above and a

range of initiatives involving work with the universities and neighbourhood groups in an effort to tackle the issues raised.

1.23 The Council's Environmental Health Department holds data in relation to complaints received in respect of nuisance and anti-social behaviour, including noise and refuse related complaints. Analysis of current data indicates a link between the number of complaints and concentrations of HMOs, with refuse complaints being identified as a particularly significant issue. An analysis of crime levels in areas with concentrations of HMOs indicates a higher than average level of specific types of crime, including burglaries and thefts in a dwelling.

1.24 In parts of the City with high concentrations of HMOs there is visible evidence of negative effects on the physical environment including significant proportions of poorly maintained properties and untidy gardens, and a noticeable presence of discarded items and rubbish both on the street and within the curtilage of properties. High levels of on street parking arising from intensive occupation of properties also detract from the overall appearance of these areas. In some areas, the cumulative effect of minor physical alterations to a large proportion of properties to adapt them to HMO uses has also led to the erosion of locally distinctive character and identity. Shifts in the mix of residents, particularly those resulting in a higher percentage of transient occupiers and consequently a loss of residents with a long term stake in the community, have also had negative effects on the overall character and sense of place in some parts of the City.

1.25 In some neighbourhoods with high HMO concentrations there has been a noticeable change in the nature of retail, leisure and other commercial facilities to respond to the needs of increasingly dominant groups such as students, rather than those of other residents, for whom the provision of services tends to become increasingly unsustainable. There is also a propensity for service provision to display seasonal variations relating to a significant drop in student presence during the summer.

Proposed Article 4 Direction

1.26 In view of the above, it is considered that the continued exercise of permitted development rights for changes of use from C3 dwellings to C4 HMOs would be harmful to local amenity and proper planning within the City and would undermine local objectives to create or maintain mixed communities. The harm identified is judged to be sufficient justification to instigate the necessary stages leading to the introduction of a non-immediate article 4 direction covering the whole City of Nottingham to remove these permitted development rights, thereby enabling additional C4 HMOs and their effects to be coherently and comprehensively managed within the context of a robust policy framework. Having regard to the scale of potential compensation liability, a prior notice period of 12 months would be given of the direction taking effect, in spite of the threat presented by the continued exercising of permitted development rights during this notice period.

1.27 This city wide approach would avoid the likely distortion that would be caused by a direction only covering a selected geographical area, and in particular, the unmanaged shift and expansion of HMOs into those

parts of the city that immediately adjoined any such selected area. The fluid nature of HMOs uses and their impacts would also present difficulties when seeking to precisely define the extent of a selected area for the purposes of an article 4 direction, and in addition there would be pressure to delineate an extent of coverage well beyond the limit of existing HMO concentrations in an effort to avoid the likely spread of HMOs to adjoining areas as previously described. Such an approach could lead to somewhat arbitrary judgments being made about the boundary selection that would still not address the issue of the spread of HMOs, but would simply result in displacement to other areas.

1.28 The early stages involved in introducing a non-immediate direction are the making of the direction followed by local consultation and notification to the Secretary of State. The start of the consultation triggers the commencement of the required 12 months notice period to avoid compensation liability. The decision whether or not to confirm the direction and to go ahead with the removal of permitted development rights from the effective date 12 months after initial notification would not take place until after consideration of all comments received during the consultation period and a thorough review of all available evidence at that time. ...

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 Introduce a city wide article 4 direction to remove the permitted development right for a change of use from a C3 dwelling to a C4 HMO with immediate effect. This would swiftly reinstate planning control but expose the Council to the risk of potentially substantial compensation liability.

3.2 Introduce either an immediate or non-immediate article 4 direction to remove the permitted development right for a change of use from a C3 dwelling to a C4 HMO in a selected area of the City where there is an existing over-concentration or significant presence of HMOs. This could lead to the displacement of problems to areas not covered by the direction and because of the fluid nature of HMOs and the issues associated with them, defining a precise boundary for a selected area would be problematic. Compensation liability from an immediate direction would be proportionately less for a selected area, but still substantial.

3.3 Issue no article 4 direction and accept the inability to manage new C4 HMO uses and the consequential undermining effect of this on delivering the Council's objectives.

4. FINANCIAL IMPLICATIONS (Including Value for Money)

4.1 There is currently no fee payable for planning applications arising from an article 4 direction. The Council has recently responded to a CLG consultation concerning the fee regime for planning applications, expressing the view that this fee exemption should be lifted. If the regulations are not amended to allow fees to be charged for this type of application, the Council would need to fund the cost of handling the applications. Based

on current fee levels and an estimated generation of 50 applications a year as consequence of a city wide direction, the annual fee income deficit resulting from continued exemption status would be £16,750.

4.2 An article 4 direction would need to be supported by robust monitoring and enforcement. No additional expenditure is proposed in order to expand the capacity of the Planning Enforcement Team, and any increase in work demands will therefore need to be met by existing resources. ...

[Nottingham City Council Executive Board Agenda,
22 February 2011]

CITY COUNCIL RIGHT ON SHARED HOMES

Note: It should come as no surprise that reaction to the Nottingham City Council report was somewhat mixed. An article in the *Nottingham Post* on the 21 February (the day before the Executive Board meeting) carried the headline: 'Crackdown on students' housing sparks city row', alongside a quote from a landlord that 'The housing market will suffer tremendously because of this.' However, the Comment Column in the same issue of the paper adopted a more measured tone.

Students have been, and continue to be, good for Nottingham.

As well as the economic boost they provide, students lend youth and diversity to the city.

Their presence brings an atmosphere and facilities that would not exist without them.

But an increasing population of students has brought challenges.

Nottingham City Council will attempt to address one of the most significant at a meeting of the Executive Board tomorrow. Councillors will agree measures which will allow the local authority to control the conversion of a private dwelling house into a shared home for three to six people.

The change, which will not be implemented for a year, will mean that landlords must apply for planning permission before a house is rented to multiple people. The move will be unpopular with some of the city's landlords and they are right when they say there are risks associated with it.

An adequate supply of shared rented property, in appropriate areas, needs to be maintained.

However, on balance it is reasonable for the council to have some regulatory power since high student numbers in a small area dramatically changes the population. It is a power Nottingham has sought for a long time.

There now appears to be a wide consensus it is required in some cities. The previous Labour government allowed all councils to demand planning permission for the conversion of homes. The coalition Government reversed that decision with some fanfare.

But even coalition ministers have had to accept it is necessary in certain areas. Hence Nottingham is right to go ahead.

[Nottingham Post, Tuesday, 21 February 2011]

PART I END NOTE: 'A SMALL PIECE OF FLUFF'

*'If the person you are talking to doesn't appear to be listening
be patient. It may simply be that he has
a small piece of fluff in his ear.'*

[A.A. Milne, *Winnie the Pooh*]

As the *Liburnija* sailed away down the Bosphorus from Istanbul that Friday in 1970, her passage marked not only the mid-point of my journey (and the easternmost point as well), but a crossing from one continent to another; two Turkish ports to visit and then for some time still her southward course would keep her within sight of the Turkish coast.

This is also the halfway point of this issue of the magazine, so quite a timely moment for some reflection.

I have no recollection of visits to the Cairo Museum. Maybe, as my parents told me, I was able to touch some of that place's treasures. Perhaps it's a vestigial memory of such events which for some years persuaded me that my future lay in the Past, so to speak. I'd read about the deciphering of the Cretan/Mycenean Linear B script, and I suppose with the blind ignorance of youth, I might have harboured some dream of solving the puzzle of Linear A script also. In the event, the only claim I can make is that I was once pretty good at deciphering the hieroglyphics that passed for some people's handwriting (including my own).

However, it could be that a trace of that old ambition means that I was receptive to a suggestion from one of my NAG colleagues that a record should be made of all the goings-on that followed the January 2010 announcement of revisions to national planning and housing legislation, culminating barely nine months later in the implementation of even more revisions of that same legislation.

To the best of my ability, and at the risk of boring you all to tears, I hope I've done that.

I don't suppose that anyone who's been exposed to the antics of the 'Yes, Minister' saga is going to find it difficult to conjure up the possible discourse between a succession of Ministers and their civil servants on the problem of HMOs and what to do about it, or to

appreciate why, as the issue wasn't perceived to be a problem in London (or the Home Counties), it remained under the Westminster radar for so many years.

The surprise is that in its dying days a tired government began to listen. The grey people I had first encountered sitting in the shadows of a meeting room in Westminster, taking notes, saying nothing, and leaving as silently and unobtrusively as they had come, set to work, ultimately, and albeit briefly, dispelling the clouds that lour'd upon all of our houses.

It isn't surprising that post-General Election, a Minister newly emerged from his 'shadow' status made it a priority to remove a piece of legislation that was an anathema to his Party's belief system. On reflection, neither is it surprising that so many of the essentials of that legislation remained: a definition in planning terms of what an HMO is and the creation of a new Use Class Order for HMOs. It's speculation of course, but the opposition from ordinary residents and their representative bodies, MPs, councils and, perhaps most tellingly, professional planning associations, let alone the promises made so publicly during the General Election campaign, may well have resulted in a listening ear as well as the need for 'Yes, Minister' expertise to come up with a solution to a dilemma.

So, what were we left with, and were the promises kept? To use a colourful description, the Article 4 Direction option may well be better than the 'slap in the belly with a wet fish' we might have ended up with, i.e. no planning controls. As to the promises made? Well, the Delphic Oracle's pronouncements were ambiguous in the extreme, so a government Minister could well ask why not his?

And what might we have learned? Perhaps that after all it's only down to a small piece of fluff and how you dislodge it!

[Editor]

PART II: NOTTINGHAM & NEIGHBOURHOOD

THE EDITOR'S RAMBLINGS SPRING TIDE



Pelješac Peninsular & Channel from Korčula Old Town: Photograph courtesy of & ©J.R. Fletcher

*'That past is still within our living memory,
a time when neighbour helped neighbour,
sharing what little they had out of necessity,
as well as decency.'*

[Mary McAleese]

Prominent on the front cover of this magazine is the banner:

**National
Nottingham
Neighbourhood
News
Views
Information
Action**

It encapsulates what the NAG, through the magazine and whichever other media are available to it, seeks to try and bring to you news, views and information from whatever source about what is happening that is relevant

to the NAG and, I hope, you, the reader: nationally, in Nottingham, and of course in our own neighbourhoods.

Part I of this magazine was almost entirely focused on how to control HMOs and the formulation of national planning and housing legislation aimed at doing just that. It also charted the way in which individuals, groups and institutions of one kind or another have influenced, or with varying degrees of success have tried to influence, the shape of that legislation from January 2010 onwards.

Part II is very much rooted in Nottingham with the focus turning to the organizations and people whose dealings by and large affect us and our neighbourhoods: Nottingham City Council, the two universities and their students' unions, landlords and agents, and Unipol. However, there is one exception.

The National HMO Lobby is very much at the heart of an extended national neighbourhood. We in the NAG are a part of it and without it we alone would not have been able to secure the national changes which are now enabling changes to happen at a local level, and which,

with some luck and a following wind, will trickle down to help us and our neighbourhoods.

Our neighbourhoods and what goes on in them are not left out. They never could be!

I've picked three examples from the 'Neighbourhood in Bloom' initiative, one from each of the Council's Neighbourhood Areas in which the NAG has members. I could have added more.

Although not part of the most recent 'Neighbourhood in Bloom' initiative, the QMC and its neighbours have been working together to try and ameliorate the effect that too much brick, concrete, tarmac and thoughtless patients, visitors and staff have on the surrounding neighbourhood. This effort reached a high point in January when a 'planting for the future' of trees and shrubs took place around the Derby Road-QMC entrance area.

However, I haven't forgotten the perennial problems associated with untidy gardens, rubbish, litter, anti-social behaviour; the 'wheelie bin syndrome', which too often exists cheek by jowl in the same neighbourhoods. Explaining how Nottingham City Council is trying to deal

with these problems is covered by an article by one of the Council officers charged with doing just that.

I've also included a student's insight into his life in one of our neighbourhoods, and The Park Residents' Association has contributed some useful thoughts and advice of its own on HMOs.

Constituency MPs and ward councillors are our elected national and local representatives. They need and want to know about the goings on in our neighbourhoods. So, I've added contact details for our two MPs and for those councillors who represent wards in the City with NAG members in them.

A week after the *Liburnija* docked in Istanbul, she was sailing back up the Adriatic towards Venice.

By tradition, the last night on board is the time for the very special 'Captain's Dinner'. So, how could I avoid including here also, along with recipes fit for the Captain's Dinner, an invitation to dine at the 'Captain's Table'?

Prijatno ... Enjoy!

[Editor, 22 February 2012]

CANNAKALE NOTTINGHAM UNIVERSITY

'The Wrath of Achilles is my theme, that fatal wrath which in fulfillment of the will of Zeus brought the Achaeans so much suffering and sent the gallant souls of many noblemen to Hades ... Let us begin, goddess of song, with the angry parting that took place between Agamemnon King of Men and the great Achilles son of Peleus. ...'

[Homer's *Iliad*, Book I, translated by E.V. Rieu, Penguin Books]

COMMUNITY ENGAGEMENT STRATEGY: 2009-2014

Note: A company employed by Nottingham University in August 2009 conducted a consultation on its developing Community Engagement Strategy. This Strategy has been published and can be downloaded from the University's website (www.nottingham.ac.uk). However, as it is a relatively small document which really should be available to everyone in the NAG, it is reproduced here in the magazine.

MISSION STATEMENT

The University of Nottingham is committed to active engagement with its local communities. We aim to do this in a constructive and mutually beneficial way in order to improve access to the University, its facilities and resources, to exchange knowledge and skills with others as well as to engage on local issues and community agendas.

BACKGROUND

The University of Nottingham has been part of the City of Nottingham since 1881, gaining its Royal Charter in 1948. While we have expanded both in the UK and overseas we remain committed to constructive engagement with our local community. We recognise that via our 7,000 staff our 37,000^{1,2} students and the



The South Gate, Troy VI, Turkey:
photograph courtesy of & ©'Dodo' Carr

research we undertake that we provide major contributions to the social, economic, educational, environmental and creative life of our City and Region. We also acknowledge that, alongside these benefits, there may be challenges associated with integration, understanding and access.

We wish to demonstrate our firm commitment to our local communities by setting out this strategy which lists our short, medium and long term priorities. We do this with the intention of driving continuous improvements in our engagement with and contribution to our local communities in the future.

PRINCIPLES OF WORKING

●We believe in mutual exchange and dialogue – this includes working actively to consult with local people, schools and colleges, community groups who interact with us in terms of interest or geography, local businesses and local authorities.

●We believe in embedding community engagement in our planning, people, resources and strategic infrastructure across all Academic Schools and Administrative Departments.

●Community engagement will be supported via an over-arching strategy, creating a mechanism for review, best practice and communication.

THE STRATEGY

The strategy focuses on key constituencies that staff and students have identified as being core to our work and mission. These include:

- Our neighbours, local people who reside near the University
- Early years provision, Schools and Colleges within the City and Region with a particular focus on the area within a 20-mile radius
- Community, voluntary and charitable organisations in the City and Region (sports, arts, culture, faith, health and social care, etc.)
- Local government and Regional bodies
- Local and regional businesses

Other strategies which are also of relevance to the community engagement agenda and where we share common ground include: Research and Knowledge Transfer and Business Engagement, Schools Engagement, Widening Participation, Student Volunteering, Student Accommodation, Sports and the Centre for Career Development.

STRATEGIC THEMES

We present five key themes in promoting and enhancing our community engagement, within our broader mission:

1. Opening up our physical environment and resources

Aims:

- To promote public access to our campuses
- To support appropriate use of our facilities by the public, schools and charitable/voluntary groups

2. Sharing and exchanging knowledge and skills

Aims:

- To support local research partnerships
- To support student placement opportunities in a variety of workplaces (Public/Private and Voluntary Sectors) to support the development of employability skills
- To provide workplace experience for individuals and groups under-represented in the organisation

3. Contributing to key civic agendas

Aims:

- To contribute to key civic agendas in the following areas: Social Cohesion, Neighbourhood Management,
- Business and the Economy, Sport and Culture, Early Intervention, Crime and Safety
- To contribute to civic and regional partnerships via senior staff representation, e.g. One Nottingham, EMDA

4. Being good neighbours

Aims:

- To foster positive relationships with individuals and community groups in the immediate locality of our campuses
- To promote and support students as active and responsible citizens
- To be proactive in managing student accommodation issues

5. Promoting and supporting education

Aims:

To promote and support:

- educational aspirations and an interest in education
- educational attainment

-
1. Approximately 30,000 at the Nottingham campuses (2008-9 figures)
 2. Of the students at the Nottingham Campuses 3181 live on University Park, 750 on Jubilee campus and 521 at Sutton Bonington. A total of 1168 live at Raleigh Park, 2055 at Broadgate Park and 801 at St. Peter's Court. The remainder (21,524) either live in private houses, other developments in the City (Cotton Mill, Riverside. Manor villages etc.) or at home (2008-9 figures)

RESPECT FOR THE COMMUNITY

The University of Nottingham aims to maintain positive relationships with its local communities and every student who registers with the university signs up to the following statement:

'I also acknowledge that I have responsibilities to the communities in which I am temporarily resident and undertake to act with consideration and respect for the welfare and interests of members of the wider community and my fellow students.'

The University of Nottingham encourages students to show consideration for people whose lives are likely to be very different from theirs – young families, older residents and people working at all times during the day and night. Our students are and continue to be the best possible ambassadors for the University simply by being

good and considerate neighbours and we actively encourage this throughout the academic year.

Many students volunteer, making a positive contribution to the communities in which they are temporarily resident. They take part in a range of projects from literacy schemes in Nottingham schools to environmental projects in Lenton and Dunkirk. We also work with the Police, Fire Services and Local Authorities in order to get messages out to students about crime prevention, fire safety, waste management and being responsible neighbours whilst they study in Nottingham.

We recognise that occasionally challenges arise. The University is committed to meeting these challenges through proactive campaigns and when problems do occur we make every effort to alleviate them quickly and efficiently. Melanie Futer, Manager of Off Campus

Student Affairs, provides a point of contact and the **Neighbourhood Helpline**, a 24/7 voicemail service, can be reached on **846-8666**. Messages are usually responded to within 24 hours with the exception of bank holidays and weekends.

For further information contact:
melanie.futer@nottingham.ac.uk

[Courtesy of www.nottingham.ac.uk]

NOTTINGHAM UNIVERSITY NEWS

UNIVERSITY REVEALS NEXT PHASE IN £90m NEW BUILDINGS PROGRAMME

The University of Nottingham has revealed its vision for the latest phase of a £90m revamp of its campus buildings.

Three new state-of-the-art, environmentally sustainable buildings will be created on the University Park Campus, with a fourth on the university's Sutton Bonington site.

The university is half-way through a five year multi-million pound redevelopment scheme, which has already led to new buildings opening up on its Jubilee campus.

The proposed building programme is the biggest of its kind on University Park in around 40 years.

The University's Vice-Chancellor, Professor David Greenaway, said: *"These buildings will create a new benchmark for excellence in the surroundings and facilities provided to students and staff here at The University of Nottingham."*

"Teaching and learning are our core business and it is our priority to provide the best possible environmental infrastructure and educational technology as well as quality of teaching. We aim to create an inspiring and harmonious place to study and work."

The latest phase will see a new £10m Engineering and Science Learning Centre built on land between the Pope and Coates buildings on University Park.

Groundwork has already started to prepare the site for the 3,500 square metre horseshoe-shaped building, designed by Hopkins Architects and to be used by both the Engineering and Science faculties.

A new £8m humanities building will also be built next to the School of History at Lenton Grove, off Beeston Lane, on University Park, for the Departments of Archaeology, Classics, Philosophy, Theology and Religious Studies, and Art History.

It has been designed by Nottingham architects CPMG and will use ground-source heat pumps and bore holes for heating and cooling.

A £7m mathematics building is to be built on the site of the original Institute of Engineering, Surveying and Space Geodesy building on Cut-Through Lane, University Park, and has been designed by Nottingham-based architects, William Saunders and compressed straw bales are to be used in the building of a new £7.15m biosciences and School of Veterinary Medicine and Science building at Sutton Bonington.

The university says a budget for the new buildings has been carefully planned over several years, using cash from the Higher Education Funding Council for England's Capital Investment Fund and the university's own funds – including income from alumni fundraising activities.

Professor Alan Dodson, the university's Pro-Vice-Chancellor for Environment and Infrastructure, said: *"The*

University's continued capital investment in teaching and learning infrastructure reflects both our confidence in the future and our commitment to provide outstanding, sustainable facilities commensurate with our position as a top 100 Global University.

"Our aim is to deliver [an] 'excellent' rating for sustainability for all new buildings on our campuses, as part of our commitment to being a leading 'green' university."

[Business Section, *Nottingham Post*, 2 June 2010]

£200k SHANGHAI GAMBLE TO SHOWCASE UNIVERSITY'S GLOBAL AMBITION PAYS OFF

University of Nottingham says its gamble – a six-month presence at the Shanghai World Expo 2010 – is beginning to pay off.

It is seeing a surge of interest in many areas of education and research with more than 400 serious business inquiries and collaborative ideas.

The university spent £200,000 on the project and pro-vice chancellor Prof Chris Rudd is back in Shanghai chasing follow-up opportunities.

The main aim was to promote the university's strategic global approach to higher education.

The university established a campus in Ningbo five years ago, which now has 5,000 students, and plans to open a Shanghai campus in 2012.

It also has a campus in Malaysia.

Prof Rudd said the long-term aim was to attract new funding streams for research and knowledge transfer, attract more students and improve engagement with its alumni.

He added: *"Expo 2010 provided a compelling platform to showcase our portfolio of work in sustainability, conveying our message to a genuinely global audience."*

"Being at Shanghai Expo reminded us all that resource management population health and climate change are problems that respect no national boundaries."

"Every new visitor to our pavilion exhibition left with a clear sense of these messages but they were also alive to the knowledge that some of the world's most creative and dedicated scientists are improving lives, driving economic growth and helping our cities to eat, drink and breathe."

Shanghai Expo attracted 74 million visitors.

And hundreds of thousands explored through words, pictures and videos, the university's world-changing research in sustainability as part of its collaborative exhibition based on the theme *"Zero Carbon, Zero Waste"*.

Events during the six months included a Drug Discovery conference which led to several prominent pharmaceutical companies beginning to develop with the university a pharmaceutical research and development centre in Shanghai.

A global food security event strengthened relationships with multi-national food producers.

An event on carbon capture and storage launched a major new UK research facility, the National Centre for Carbon Capture and Storage, a catalyst for strengthening relations with both the Department of Energy and climate change (DECC) and the global Carbon Capture and Storage Institute.

Prof Rudd said the university's presence helped boost the number of graduate applications from the region seeking to study in Nottingham, up from about 200 to more than 400.

He is also in talks with one of China's largest aerospace industries, opening up possibilities for the university and the City of Nottingham.

"Similar conversations are under way with other industries as well which could lead to jobs," he added.

[Richard Tressider, *Nottingham Post*, 14 January 2011]

20m ECO-FRIENDLY HOTEL FOR NOTTINGHAM UNIVERSITY

Construction is due to start in July on a new 200-bed up-market hotel at the University of Nottingham. With planning permission already in place the University's Council has now given approval for the £20m eco-friendly hotel, which will be built on University Park, adjacent to the East Midlands Conference Centre. The hotel, which will be funded entirely by the University, will be available for use by conference delegates, university visitors, local businesses and the general public.

The hotel, which is due to be completed for opening by the end of 2012, will be built to the highest

environmental standards. It will feature state-of-the-art technology to reduce carbon emissions, as part of the University's strategy to become an ever more environmentally-friendly institution.

It will feature executive-style rooms, meeting and conferencing rooms, a gym, restaurant and a bar.

Features of the eco-friendly building will be accessible roof top terraces, green roofs and maximum use of natural daylight. Open spaces will provide superb views of the University's extensively landscaped campus.

Use of the latest technology will help to reduce carbon emissions. Solar photovoltaic panels and ground-sourced heat technology have been incorporated into the design, which will also include a lower energy assisted-cooling ventilation system.

The hotel is aiming to achieve an 'excellent' rating under the Building Research Establishment Environmental Assessment Method (BREEAM), which recognizes low-impact buildings which incorporate the best environmental practice.

The University has developed a series of award-winning buildings that have underlined its commitment to sustainable architecture and construction.

Chris Jagger, Chief Estates and Facilities Officer at the University, said: "The hotel will enhance the existing range of conference facilities provided by the University. It will provide a source of excellent quality accommodation all year round, not only supporting the existing meeting spaces provided by the award-winning East Midlands Conference Centre, but also for visitors to the University."

[Nottingham University Press Release, 6 July 2011]

KUSADASI & PATMOS NOTTINGHAM TRENT UNIVERSITY

'I'm not afraid of storms, for I'm learning to sail my ship.'

[Aeschylus]

INSPIRING THE FUTURE OF LEARNING

It would be a mistake to overlook the fact that Nottingham has two white (rather than 'ivory') towers: Nottingham University's Trent Building and Nottingham Trent's Newton Building.

Since the late 1950's the Art-Deco style of the latter has been the city centre landmark of what at that time was the Nottingham and District Technology College, but which, in its turn, morphed into Trent Polytechnic and of course is now Nottingham Trent University.

Dwarfed as it is by the Newton Building, it would be rather sad if the history of the Arkwright Building also were to be overlooked, if for no other reason than that, as University College Nottingham, it is where D.H. Lawrence studied for his teaching certificate, and is: *'The big college built of stone, standing in the quiet street, with a rim of grass and lime-trees all so peaceful ... a magic land.'* [D.H. Lawrence, *The Rainbow*, 1915].

'Former university college, public library, technical school, natural history museum, now university building' it was originally built between 1877 and 1881 to house University College Nottingham (now Nottingham University). *'The building has historic importance as a*



landmark in the architectural provision of education in England. This building is unique in bringing together three cornerstones of Victorian education thinking, the further educational college, the public library and the museum. ... It has been at the heart of the developments of both of Nottingham's Universities and as such is the single most important educational building in the city.'

British Listed Buildings, from which this description has been taken, has the full listing description of the Arkwright Building. [See: www.britishlistedbuildings.co.uk.]

Nottingham Trent recently completed the challenge of regenerating the Newton and Arkwright Buildings (both now Grade II listed) to create what the university's Annual Report 2009 called 'A New Heart for our City Campus'.

Unfortunately, when you pass by the university it is only on Goldsmith Street, where the new building linking the Newton and the Arkwright Buildings is now the main entrance to the university, that you are likely to get more than a glimpse of how much work has been undertaken to blend the new with the old.

However, although photographs do not always do justice to their subject, I hope the ones I have included in this section of the magazine (courtesy of Nottingham Trent's Annual Report 2009) will give you some inkling of how the challenge has been met.

In common with Nottingham University and other universities in towns and cities across the UK as well as overseas, another challenge for Nottingham Trent is that of its student population and relationships between them, local people, and the university itself.

At the February 2011 meeting of the Nottingham Action Group, Nottingham Trent's Tim Woodman-Clarke announced that the university was about to advertise the newly-created post of Student Community Liaison Manager. The specifications for this post have been published now and I thought you would find it interesting to take a look at the job description and some of the principal duties and responsibilities that will go with the post.

STUDENT COMMUNITY LIAISON MANAGER

JOB DESCRIPTION

'To proactively lead the effective and efficient delivery of the University's warden system incorporating a team of Residence Assistants and to co-ordinate 'off-campus' student matters on behalf of the University including establishing strong links between the University and external stakeholders and to promote harmonious relations between students and local communities.'

SECRET LIVES OF PEREGRINE FALCONS

New cameras will reveal the secret lives of rare peregrine falcons in the city centre.

The nest site, on Nottingham Trent University's Newton Building, has been closely protected and monitored for ten years because of the threat posed by egg collectors and the risk of disturbance.

In the last four years, adult peregrines have raised 12 chicks there.

Now, following security improvements, people will be able to watch the nest round the clock.

The university has joined forces with Notts Wildlife Trust to launch a camera, with footage shown on the internet.

[EXTRACTS FROM] PRINCIPAL DUTIES AND RESPONSIBILITIES

- Taking responsibility for ensuring that all aspects of the Warden Service and off campus elements of the role both comply with and delivery against the Student Code of Behaviour making sure that there is a consistent application of the code and the agreed NTU disciplinary procedures for all breaches.

- Enhance the visibility and benefits of the Wardens Service and off campus initiatives both in relation to pastoral and disciplinary capabilities within the overall student community, including working with Integrated Marketing and Student Accommodation Services to ensure a presence at recruitment related activities such as University Open Days and university publications.

- Engage in greater visibility and education of the student body in relation to their responsibilities to fellow students, staff and the wider Nottingham Community under the provisions of the Student Code of Behaviour.

- Ensure that NTU is perceived enthusiastically and effectively to engage within the communities within which the campuses and students are based. To create and maintain positive relationships with all relevant community stakeholders who will include Unipol, the police, local councils, local community groups, University of Nottingham, etc. developing strategies for ensuring effective liaison and cooperation between stakeholders for the university's standing as a responsible institution in the community context.

- To drive and support initiatives within local communities to enhance both student and NTU's institutional reputation within Nottingham including the marketing of the enrichment to local communities that can arise from the presence of the university.

- Taking responsibility for the recording and responding to complaints, providing a single point of contact regarding students' conduct and liaising with other university colleagues such as the Pro Vice Chancellor for Student Affairs ensuring compliance with all relevant university policies and ensuring relevant action is completed within acceptable timescales.

- To develop a robust out of hour's procedure ensuring buy in and full undertaking of all parties involved and to assist in and coordinate out of hour's emergencies as required. ...

[Editor]

Paul Lawton, head of Estates Services at Nottingham Trent University, said: "We feel very privileged to have a breeding pair of these magnificent birds on our city campus, and obviously take the responsibility that this brings very seriously.

"We have worked closely with Notts Wildlife Trust and other parties over the years to ensure their safety and the appropriate environment for breeding and the time is now right to give others the rare opportunity to witness these birds of prey close-up."

Notts Wildlife Trust conservation officer Gaynor Jones Jenkins said: "After years of carefully monitoring the nest site and working to keep the site safe and relatively secret,

it will be wonderful to be able to allow the public to enjoy these special birds.

"With so few pairs in the county and the very real threat of the eggs being stolen or the nest being disturbed, we have had to err on the side of caution, but with the nest site now fully secure, we can let people see the birds in all their majesty."

The cameras went live yesterday as part of National Nest Box Week, and Notts Wildlife Trust hopes that the footage of such rare birds in the heart of Nottingham will help raise awareness of its new Wildlife in the City project.

Mrs. Jenkins added: "We want to highlight just how rich urban areas can be for wildlife and to show that you don't have to head off to the countryside to see exciting creatures – they are here on our doorstep."

"What better way to get this message across than by enabling people to see live footage of one of our most fascinating birds of prey, right here in Nottingham."

The Trust and the university have also been working with Notts Police and the National Wildlife Crimes Unit to develop a DNA database for birds of prey to help fight wildlife crime such as the theft of eggs and chicks.

DNA has already been isolated from feathers collected from nests in the Notts area and preliminary DNA profiles have been generated.

A clip from the peregrine camera is available at www.thisisnottingham.co.uk. To view the cameras live, go to www.ntu.ac.uk/falcons.

[Jon Robinson,
Environment Correspondent, *Nottingham Post*,
Tuesday, 15 February 2011]

NEW HOMES FOR STUDENTS

NEW HALL

Student Accommodation Services were delighted with the completion of the new UPP Halls of Residence on the Clifton Campus.

The residence which replaces the old Gervase Halls consists of 12 blocks offering 727 state of the art student bed spaces. These are made up of both cluster flats varying in size from 2 to 10 with spacious shared kitchen facilities and also 151 self-contained studio rooms. Each of the blocks has been named after local rivers all of which are tributaries to the 'Trent'.

The reaction from students and their parents over the recent arrivals weekend was fantastic, New Hall had certainly exceeded their expectations many likening the accommodation to that of a 5 star hotel! The rooms are competitively priced costing £118 per week and studio rooms £132 per week. Clifton campus can now offer accommodation to 1486 students and the new development ties in wonderfully with the refurbishment of the student unions' *The Point* giving the students on campus access to some great facilities.

BYRON HOUSE

On the back of the ambitious and widely-regarded development at Clifton, Nottingham Trent University has unveiled plans for a £60m redevelopment at its city campus.

It plans to demolish Byron House, home to the Students' Union, and create a landmark building in Shakespeare Street near its junction with Waverley Street.

The redevelopment will include 900 rooms for first-year students in Shakespeare Street and nearby Gill Street. Facilities include a sports hall, entertainment area, fitness studio, shops, bars and medical centre.

The university has spent £170m revamping its campus in recent years including the award-winning £90m redevelopment of the Newton-Arkwright Buildings opened two weeks ago by naturalist and TV presenter Sir David Attenborough.

Vice-Chancellor Professor Neil Gorman said: "The Byron House redevelopment is part of an ambitious estate regeneration programme which, over the last six years, has resulted in significant changes across all three of our campuses. The driving force behind the changes has been to provide an inspiring environment for both students and staff, while at the same time reinforcing our commitment to urban regeneration."

He added they plan to create "an iconic landmark at the northern gateway of the university's city site".

Demolition will begin in January 2012, and will be completed for the start of the 2013/14 academic year.

[Nottingham Trent University Communication,
December 2011]

POSTSCRIPTS

WELCOME TO NOTTINGHAM TRENT'S STUDENT COMMUNITY LIAISON MANAGER

As a graduate of Nottingham Trent (2001), I have lived in Nottingham both as a student and a non-student, giving me a valuable insight into, and understanding of, the relationship between the local communities, and the university.

There is great potential for further and more positive integration and interaction between students and the wider city, and I am committed to facilitating this through working closely with both statutory bodies, and local residents at an individual level.

The first six months have certainly been a steep learning curve, but most people have been extremely welcoming and supportive, reflecting the need for the role, and the expectations held of it.

In the coming months, I will continue to seek to build strong and positive relationships between community groups such as NAG, and further develop the positive impact that the university and its students can have on Nottingham.

The support of Maya and the members of NAG is key to delivering this, and I'm grateful for the encouragement I've received so far.

I want to continue to address the challenges that are sometimes posed, and identify creative and sustainable

ways to build greater understanding and awareness between students and the city as a whole.

[Mark Simmonds, Student Community Manager, December 2011]

REGIONAL CIVIC TRUST AWARDS

As reported in the 'Business News' section of the *Nottingham Post* on Tuesday, 11 March 2011, the refurbishment by Hopkins Architects of Nottingham Trent's Newton and Arkwright Buildings has won a regional Civic Trust award.

In its citation (www.civictrustawards.org.uk) the Trust said: *'Nottingham Trent University is to be congratulated on their decision to restore two disparate, under-used, malfunctioning Grade II listed buildings and unite them with the City matrix; giving a late Victorian building and a mid-20th Century one new meaning, visibility and usefulness.'*

The two buildings have been integrated into one new, accessible complex with generous circulation and social activity space that is informal and flexible.

Detailing throughout is immaculate, yet simple and the wonderful new courtyard provides an outside semi-private space; a functional link between existing buildings.

RETURN OF THE FALCONS

The *Nottingham Post* reported on Tuesday, 14 February 2012 that the webcam monitoring the Nottingham Trent peregrine falcons has gone live to mark the start of this year's National Nestbox Week. In 2011 The peregrines were viewed more than 250,000 times.

A new high-definition camera has now been installed so that viewers will get better quality pictures over the internet than they did last year. To view the blog and cameras for this year, log on to: www.ntu.ac.uk/falcons.

EDITOR'S NOTE

I rarely wax poetic about architecture, which is not to say that I'm completely devoid of interest in the subject: far from it. It's just that, on average, when it comes to buildings I'm pretty much a philistine. However, I do know what I like, and, as you may have gathered, I very much like Nottingham Trent's restoration of the Arkwright and Newton Buildings.

The pity is that it's only when you visit the Arkwright and Newton Buildings that you get a good idea of how well the job has been done: the photographs dotted throughout this section don't do justice to it. So no surprise, if I understand correctly, that the Civic Trust award has been only one among many.

Mark Simmonds is Nottingham Trent's first Student Community Manager. The extracts from his job description will give you a good idea of what he's charged with doing. My thanks to him for coming up with the reports and associated illustrations on Nottingham Trent's development at its Clifton campus and its plans for the redevelopment of the Byron House site in the city centre. From this it does seem as if Trent is serious about providing homes for its students as well as its peregrine falcons.

By the way, they successfully fledged/graduated during the summer.

As Grant Anderson, Nottingham Trent's Environmental Manager, said in the *Nottingham Post*: *'We are delighted that the falcons keep returning each year. ...'*

At least as far as I am concerned, writing something about oneself is not a task that I ever want to do. So my very special thanks to Mark for agreeing to write his introduction to himself.

When we first met, he was very new to his post, but definitely learning to sail his ship – welcome Mark!

Mark's contact details are:

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RHODES UNIPOL: CELEBRATING THREE YEARS IN NOTTINGHAM

*'Houses mean a creation, something new,
a shelter freed from the idea of a cave.'*

[Stephen Gardiner]

Note: When the accumulation of detritus reaches the point where it threatens to overwhelm every corner of my 'office', I begin to wonder whether its time for a clear out, especially of paperwork I haven't had reason to look at for quite some time.

Not that I'm about to consign back-issues of the NAG magazine to the recycling bin – at least not yet! But the fact is that, once published, their contents tend to be relegated to an 'archive' file in my memory, largely forgotten until something reminds me to take another look.

On the 11 January 2011, a meeting at the Council House in Nottingham celebrated three years of Unipol in Nottingham. Which is why it was serendipitous that, while hunting for something else, I found myself reading an article by Scott Blakeway (then the Welfare and Equal Opportunities Officer at Nottingham Trent's Students' Union) in the Winter 2006-Spring 2007 issue of the magazine (p.14) entitled: *Why Nottingham Trent Students' Union and the Nottingham Action Group want Unipol Nottingham to become a reality*.



Mandraki Harbour, Rhodes Town: Photograph courtesy of & ©Oren Rozen

Looking back, some of what was written in 2007 now sounds rather naïve. Not everything has come about that was hoped for, and some never will. However, should there be a need to justify the NAG's decision in 2005 to invite Martin Blakey and his colleague from Unipol to Nottingham in the first place, then this report in the *Nottingham Post* should do just that.

It should also show that no matter how many safeguards are put in place on their behalf, ultimately students themselves are the only ones who, by reporting problems with properties and landlords and agents, can allow others to take enforcement action on their behalf.

Of course, it remains to be seen whether students heed Unipol's advice and avoid renting properties from landlords and agents who behave as these landlords have done.

LANDLORDS THROWN OUT FOR BREACHING NOTTINGHAM STUDENT HOUSING CODE

Two landlords have become the first to be thrown out of a student housing standards scheme in Nottingham.

Max Choudhuri and Fatima Jabbar lost their accreditation with student housing charity Unipol for breaking a code of conduct covering the city's student landlords.

The breaches were discovered after complaints from students at a property in Derby Road, Lenton.

They included not having a valid electrical safety certificate for the property, failing to deal with repairs within required time frames and issues relating to the students' deposits at the end of their tenancy.

Martin Blakey, Unipol's chief executive, said: *"These landlords agreed to abide by standards laid down in the Unipol DASH Code that they did not actually meet and students should bear this in mind before they consider renting properties from them in the future."*

The DASH code, which stands for Decent and Safe Homes, was set up in 2008 to help students find homes with reputable landlords.

WHAT YOU NEED TO KNOW ABOUT HOUSE HUNTING

Note: There are many different ways in which Unipol tries to help students tackle successfully one of the most important (and potentially most costly in human as well as monetary terms) decisions they have to make while at university: the roof over their heads, and the people they share it with.

The Unipol *Housing* Tabloid is one. Another source of good information and advice is the Unipol website. With this year's formal house hunting season upon us, I hope these extracts will give you a taste of what both have to offer to Nottingham's students.

The link to the website is:

www.unipol.org.uk/nottingham.

THE UNIPOL DASH CODE EXPLAINED

Whether you're still looking for accommodation or have already found somewhere for next year, it's well worth knowing if your future landlord supports Unipol.

In Nottingham, Unipol operates the Unipol DASH code. This is the official accreditation scheme for student housing in the city. The Code covers not only physical standards relating to a landlord's properties but also how they go about managing their property portfolio. To join the code landlords and managing agents have to sign a declaration form to say they agree to abide by these

Unipol found Mr Choudhuri and Dr Jabbar were flouting the voluntary code of practice following complaints from tenants.

A tribunal was held last month, the results of which Unipol has just made public. It ruled they had both committed a series of breaches of the code.

The DASH code is supported by the University of Nottingham, Nottingham Trent University and New College Nottingham, and 400 landlords are members. Both universities advise students to prioritise Unipol DASH Code landlords when looking for private-sector accommodation.

Stephen Dudderidge, director of student operations and support at the University of Nottingham, said: *"The university wants all its students to be able to access safe, secure, good-quality and fairly-priced accommodation."*

"Raising awareness of the Unipol DASH Code among our students, and taking decisive action against landlords in breach of the code, helps maintain high standards of accommodation for our students."

Councillor David Liversidge, city council's portfolio holder for housing, said: *"Both landlords agreed to abide by the regulations laid out in the code and have failed to do so."*

The tribunal took into account Dr Jabbar signed the Unipol DASH code declaration form in September 2008 and was therefore the accredited landlord, but Mr Choudhuri signed the tenancy agreement and dealt with the tenants.

A legal spokesman for Mr Choudhuri said he was considering taking legal action against Unipol over the *"flawed and biased"* tribunal.

He said: *"As a result of the tribunal, the landlord made it very clear that he did not want to be part of the Unipol."*

[Bryan Henesey, Nottingham Post, Monday, 18 October 2010]

standards. Staff from Unipol then inspect a sample selection of their properties to ensure that the specified standards are being met. We also speak to tenants to find out how well the landlord/agent manages the property.

When you search for properties on the Unipol website it's easy to see which landlord's properties are accredited as they are always shown with a blue background.

The main benefit for students of accreditation is that it means if you are renting from an accredited landlord they have already voluntarily agreed to meet the standards of the Unipol DASH Code, some of which are significantly higher than their minimum legal obligations. As you might expect, wherever possible Unipol recommends that you rent from Unipol DASH Code landlords. By doing so you have greater peace of mind and in the event of any problems with your landlord or house, you can contact Unipol and we will help you to resolve the situation.

Because managing agents tend to have larger portfolios, containing different types of properties, Unipol distinguishes between two different levels of membership for agents who wish to become accredited.

Full Members – This is when an agent is able to declare that all of the properties they manage meet the standard of the Code.

Code Supporters – A managing agent can also become a Supporter of the Unipol DASH Code. However, it is important to realise that supporters are **NOT FULL MEMBERS** of the Code. Instead they sign up individual properties as accredited rather than their whole portfolio. In addition, they also agree to advertise their Unipol DASH Code properties separately from non-Code properties to avoid potentially confusing tenants.

So wherever you choose to live, try and find out whether your landlord or agent is registered with Unipol and if your agent is a Code Supporter, make sure that the particular property you are interested in is covered by the Code.

[Housing, Unipol Tabloid, April 2011]

THE OFFICIAL START DATE FOR HOUSE HUNTING 2012-2013

The official start date for house hunting 2012-2013 is Monday 23 January 2012. On this date Unipol Nottingham will launch its full list of student properties. Last year there were more than 10,000 bed spaces advertised on the website making the Unipol website the most comprehensive listing service available for Nottingham students

Why Do We Have an Official Start Date in Nottingham?

Over a number of years, due to pressure from letting agents and landlords, combined with a lack of knowledge of the overall student accommodation market in Nottingham, the time of year when students felt they should start looking for housing crept further and further forward. This reached a point where first year students had barely moved into their halls before they felt pressured into having to think about accommodation for the next year.

Since 2007 the two Nottingham Universities, Nottingham City Council and Unipol have come together, in the interest of students in Nottingham, to agree an official start date. This agreed date aims to provide students with sufficient time to:

- get to know the City of Nottingham and the full range of possible locations they could live in
- decide who they really want to live with
- concentrate on studying for their January examinations without the worry of having to house hunt at the same time

What Are the Dangers of Signing Before the Official Start Date?

Each year Unipol hears of students who choose to ignore the official start date and sign for a property early. Many think they can to gain an advantage by jumping ahead of everyone else, others simply panic as a result of pressure from their peers and landlords. In truth these students are much more likely to be paying the premium prices which landlords and agents hold out for when they

first market their properties. They will also be selecting their accommodation from a much smaller pool of properties than will be available after the official start date.

By waiting until the 23 January not only will you get to choose from a greater range of properties but you will be able to see how different rent levels compare and where the best value can be found. Between now and the start of the 2012-2013 academic year your circumstances can change and friendships formed in the first semester don't always last through to the end of the first year. Equally not all students pass their January examinations. This can be quite distressing but if you have already signed for a property it can also have serious financial consequences. This is because contracts to rent properties, once signed, represent a financial commitment which can't simply be walked away from. For this reason take your time, don't be rushed by anyone and make sure you are absolutely certain about what you are doing before you sign anything.

Why Do Landlords & Letting Agents Advertise Their Properties Before the Official Start Date?

Not all do. The majority of Unipol DASH accredited landlords support the official start date and appreciate the reasons behind it. By waiting until the 23 January they know the students who view their properties will have considered their options fully and are more likely to be better tenants than those who rush into decisions before the start date.

However, it is also common knowledge that Nottingham has a surplus of student accommodation and, as in any competitive business, different players will employ different tactics to gain market advantage. Many unaccredited landlords who are not accountable to the Unipol DASH code choose to advertise before students are able to see the whole market on the Unipol website. Other landlords and agents who charge premium prices or additional fees find it easier to justify these costs before the full picture of the Nottingham Market becomes apparent after the 23rd January.

A Final Thought

Unipol understand that students will often come under great pressure from friends and landlords/agents to make early decisions on their housing. However, in a market where there are considerably more bed spaces than students, ask yourself who really gains from you committing yourself to a property early, you or the landlords/agents?

WHY DO THIRD YEAR STUDENTS GET THE BEST HOUSES?

Advice for First Year Students

There are a number of things that you can do to make sure you get the best house possible for your group.

● **Work out who you want to live with.** Think about this carefully as you will end up living together for a whole year. If there are things that are irritating now a year can be a long time

●**Explore areas of Nottingham to decide where you want to live.** Have a walk around different areas at different times of day and make sure you like the atmosphere and feel safe

●**Work out how much you can afford (don't forget gas electricity etc.).** This is a common mistake that many students make. Make sure that everyone in the group decides a budget and sticks to it. **TIP:** the general standard of student housing in Nottingham is very good so you should easily find a property of excellent quality around the average rent

●**Discuss what you want in the property.** Not everything will be possible but your group could draw up a list of essentials and desirables. **TIP:** If you are in halls your internet is normally already sorted. In the private rented sector some houses have this, some do not. Internet is relatively easy to install so don't let this put you off a property if it isn't there already

●**Look into the legal aspects of renting** – what are your landlord's responsibilities and what are yours. Your Student Union is there to help you and will offer a free contract checking service so you can be happy that the contract you sign is fair. All tenancies that are signed for next year properties will be subject to the new Tenancy Deposit Scheme (TDS). **TIP:** look at how this will affect you by picking up a leaflet in the accommodation bureau or looking at the website

●**Take your time.** Contrary to opinion there are plenty of good houses left well in to the house hunting season. There is a surplus of accommodation in

Nottingham, which means that you are well positioned to get the right property for you at the right price. **TIP:** If you leave your house hunting to later in the season you can often negotiate more easily with landlords

●**Don't feel pressured.** Unipol DASH Code have agreed as part of the Code to give you 24 hours to seek independent legal advice on a contract before you sign anything. **TIP:** Take the time to make sure you are happy with your group and the house

●**Don't believe the myths.** Many Non-Unipol landlords would have you believe that everyone needs to pay sign up fees this is simply not true. Plenty of landlords who advertise with Unipol do not charge a sign-up fee. **TIP:** Some landlords and agents are charging larger than normal sign up fees and not charging deposits following the introduction of the new TDS – remember if this is the case you will get none of this money back

So although 3rd year students often have good houses this does not mean that you have to compromise. Use the tips above, understand the market, don't rush, read the information that will be coming out from your institution, Student Union and us and you too could have one of the best houses.

[Unipol Website, January 2012]

RHODES TO PYLOS NATIONAL HMO LOBBY

A PROBLEM SHARED

'You learn to know a pilot in a storm'
[Lucius Annaeus Seneca]

Note: Isolation, emotional as well as physical, is well-known in scattered rural communities. It is arguably also the most insidious effect that concentrations of HMOs (with their absentee landlords and transient occupants) have on the neighbourhoods around them, and the circumstances of the other residents living in them. Yet it doesn't seem to have been recognized to anything like the same extent as those other, very well-documented, problems associated with HMOs, even though, over time the pernicious nature of that isolation can weaken the strong, and destroy the vulnerable. However, knowing one is not alone helps to build a bulwark against such dire circumstances.

It's around ten or eleven years since, quite serendipitously, I heard of Richard Tyler. But, I remember very clearly the relief I felt when from him I learned that there were people in other towns and cities with the same concerns about their neighbourhoods. They had got together, were trying to do something to help each other, and were glad to share information and give support.



Marko Polo, Mljet Channel, Croatia: Photograph courtesy of & © Matić,
www.marinetraffic.com

When it comes to government action on HMOs, I haven't been much of a fan of the present Minister. However, on one thing we do agree: the National HMO Lobby is a good example of the 'Big Society' in action. For me, it's a large part of what the Lobby is about and what it should continue to be about.

The NAG has been formally constituted for almost eight years, and during that time this magazine has published news obtained either directly from other National HMO Lobby members, or via Richard's very effective information network. This issue is no exception.

A final thought is that over these past years, and for quite a while before, our neighbourhoods have been buffeted by squally seas and more than a few storms. So, not only is good to share problems and experiences and, just possibly, solutions with the Lobby, it's also good to know that Richard's is a steady hand on the helm

NATIONAL HMO LOBBY REPORT NOVEMBER 2011

National HMO Lobby began informally in 2000, and was formally constituted in 2004. The Lobby is now an association of over sixty community groups in nearly forty towns in all parts of the UK [though I suspect that some of those groups may have lapsed]. Its aim is to redress the impact of concentrations of houses in multiple occupation (HMOs) on the cohesion and sustainability of local communities. The Lobby offers its members solidarity in adversity, exchange of information and collective campaigning.

This year began in the aftermath of the setback in October 2011, when new Statutory Instruments came into force in England, undoing much of what the Lobby had gained after a decade of campaigning. Nevertheless, planning legislation in England still provides a definition of HMO (adopted from the Housing Act 2004), and also a new Class C4 for smaller HMOs (larger HMOs remain *sui generis*). Though change of use from a family home (Class C3) to HMO (Class C4) is now permitted development, local planning authorities can still use an Article 4 Direction to remove permitted development rights and require landlords to seek planning permission. The first to do so was Manchester City Council, and after 12 months' notice, their Direction came into force on 8 October 2011. Another 24 councils have followed suit (and more are considering Directions). The Lobby has circulated frequent updates on this developing situation, and maintains a record on its 'Local HMO Plans' webpage.

However, Article 4 Directions only provide councils with the power to control HMOs, they don't of themselves provide justification for refusal of planning permission.

For this, a relevant planning policy is necessary. Thus, several local planning authorities are now preparing such policies. Again, the Lobby has compiled and circulated information, both on its website, and through Briefing Bulletins, in particular one on *Model HMO Policy* (synthesising current best practice) in June, and another on *National HMO Policies* in October (tabulating the features of a dozen current examples).

Milton Keynes Council continued a rearguard action against the revised legislation. On 20 January 2011, the High Court permitted a Judicial Review, which took place on 30-31 March. The Lobby submitted a Witness Statement in support of the Council. But the judgement on 11 April went against Milton Keynes.

Meanwhile, the government has published a number of consultation papers in England, which in various ways have a bearing on the Use Class Order. In June 2011,

CLG published an Issues Paper on *How change of use is handled in the planning system*; the Lobby responded, in the light of its experience of the Use Class Order. Then in July, CLG published the *Draft National Planning Policy Framework*, which will replace the various existing Planning Policy Statements; again, the Lobby has responded.

The demand for HMOs remains volatile, in England at least. On the one hand, student demand seems likely to decline. Surveys and reports, reproduced in the press, indicate that "tuition fee increases, coupled with declining numbers of 18-24 year-olds in the general population over the next decade, will see a 14% decline in British higher education student numbers over the next ten years ... half (52%) of all younger students will choose a local higher education establishment and stay with their parents" [though the level of demand will vary between universities]. On the other hand, housing shortages and changes in housing benefits will give rise to new demand for HMOs from other sources.

All the information above concerns England only. Each of the other countries of the UK is following a different route. Since 2004, Northern Ireland has had thorough HMO licensing (if not entirely comprehensive), and in the same year, HMOs were brought under planning control. Since 2008, policy in Belfast has set a threshold of 10% HMOs per street, with some areas excepted. An inter-agency group, led by Belfast City Council, has since undertaken a research study into the Holyland area (where HMOs are most concentrated), with a view to presenting proposals for rebalancing. The key proposal is to build purpose-built student accommodation away from residential areas, and there is already interest from developers and a number of sites around the city centre are under consideration.

Meanwhile, in Scotland, all landlords have to register, and all HMOs are subject to licensing; but HMOs remain in the same class as family houses. However, Sustainable Communities Scotland (SUSCOMS), our sister organisation north of the border, has lobbied successfully for significant clauses in the Private Rented Housing (Scotland) Act 2011 (which come into effect in January). One is a link between licensing and planning, giving local authorities the power to refuse to consider an application for an HMO licence if it considers that there would be a breach of planning control. The other is the use of licensing effectively as a planning control, giving local authorities the power to refuse to grant an HMO licence if it considers that there is overprovision of HMOs in the locality; implementation of Section 13 of the Act has been delayed in order to give Councils time to develop local HMO policies.

Finally, Wales has mandatory licensing of larger HMOs (like England), but as yet no planning controls on HMOs. A new administration offers the hope that some action might be taken.

Lastly, it's good to welcome two more members, Iffley Road Area Residents Association, in Oxford, and North East Bassett Residents Association, in Southampton, who joined us during the year.

As we noted last year, the National HMO Lobby has now achieved all we could reasonably expect in the present circumstances. HMO licensing is not universal in the UK, but it is as widespread as is feasible. Effective

planning controls on HMOs are now available in some measure in Northern Ireland, in England and in Scotland - but not yet in Wales. HMO taxation is an aspiration, but is not realistically achievable (it requires primary legislation, and we have an unsympathetic government).

At best, our future lies in sharing information and good practice. Examples of this were the Briefing Bulletins on *Universities and HMOs*, which shared information nationally on HMOs managed by universities, and on *Keeping the Peace*, which surveyed measures taken in various towns on student antisocial behaviour.

Further details of the National HMO Lobby's activities are available on the 'History' and the 'National Developments' pages, on the Lobby's website:

www.hmolobby.org.uk.

[Dr Richard Tyler,

Co-ordinator, National HMO Lobby, November 2011]

NATIONAL HMO LOBBY BRIEFING BULLETIN 'KEEPING THE PEACE'

In October 2011, a member in Southampton asked, "Do HMO Lobby members know of any cities with guards provided, to tackle student antisocial behaviour?"

A number of members responded, as follows:

Bournemouth

Your situation sounds very similar to what we had to put up with in Bournemouth five years ago. After several community meetings, we eventually got the police, the council and the university working from the same page. The following happened; not all at once but very gradually and please don't think we have cured the problem. The disease mutates every September when the next year's tenants arrive at the Student HMOs. It will not be 'cured' until there is a sustainable balance of HMOs in the community and not the saturation policy we have now.

1. We now have a dedicated police officer for the University.

2. All the Police SNT teams communicate week with the Unsocial Behaviour Officers, and the University disciplinary team.

3. The Students Union hold education 'responsible neighbour' seminars for Student HMO tenants, including a community film and 'Welcome/Introduction' strategies involving both the students and the permanent residents. This is a major commitment from the Students Union.

4. The University and all the agencies recognise that the problem is not with the 'new' students, they spend their first year in Halls, but with the second year students who move into HMOs.

5. All reports of unsocial behaviour that are reported to the police or to the council are followed up by Bournemouth University or the Arts University College. Hundreds of students have been fined and given warnings that any repeat behaviour will result in their dismissal from the University. Depending on the severity of the offence a final warning is issued (this has never happened, no one has ever got to this far. Repeat offending students often leave the University of their own choice.

We have regular meetings which bring all the agencies and interested parties together. At the last meeting the following organisations were represented: Neighbourhood Police Team Inspector, University Police Constable, University Student Welfare teams, University PR team, University Students Union, Unsocial Behaviour Team, Local Residents Forums, Neighbourhood Watch teams, Street Cleaning Team, Waste Disposal Team, Local Councillors, Planning Officers, Housing Officers, Local Press. There may be more, but I think you get the picture.

Bristol

There is no street policing by our 2 Universities, though Bristol University has a 'dedicated PC' (presumably funded by Uni). He provides liaison with Police generally, and as a uniformed officer, adds a bit of clout if involved over public misdemeanours by students.

The sort of scene described exists, but it is fair to say that following establishment some 3 years ago by Bristol Uni Accommodation Department of a 6 monthly meeting of Uni, Students Union, Residents representatives, things appear to be somewhat better.

Residents find it worthwhile to complain, Uni will check that the houses concerned have their students, and read riot act. Persistent offenders can be hauled before their professor, and warned that reprimands may go on academic record.

Leeds

We don't have quite what our colleague in Southampton would like, in Leeds. We do have Walksafe, where the police look after students along the main thoroughfare from the centre of town into Headingley, at the beginning of the year (for new students' protection). And last winter, Headingley Street Angels was launched, to reduce ASB at night (for a report, see *Headway #35*). The two unis in Leeds run a Helpline, and follow up complaints - quite effectively, I think.

See: **Leeds University's** Neighbourhood Helpline is at: www.leeds.ac.uk/ace/community/helpline.htm

Loughborough

Here in Loughborough we have forged good relationships with the University, the Students Union, the local council and the police over a period of eleven years. The University Security officers who work on campus can be contacted to deal with rowdy behaviour from student houses at night and will patrol on request if we report unacceptable noise/behaviour on the street. The Students' Union Executive also play a responsible role in trying to educate students to respect the community. We also have a Warden in the community to liaise between students and residents and to take disciplinary measures if necessary. The police run a campaign designed to educate and protect students re crime. They increase police presence at night for the first month of the academic year, especially during Freshers' Week. But then, Loughborough is only a small town not a big city - population about 45,000 with another 15,000 when students are here.

From Alison Barlow, Community Relations, Loughborough University: Here at Loughborough our system involving Security works as follows:

1. We operate a 24 hour 'helpline' to residents to report problems and issues of concerns. Where possible our Security will respond to these calls and try and intervene, particularly if the problem is associated with a particular house. Security will check our accommodation records to see if we have students there and then attend if resources allow. They will endeavour to resolve any situation they find. E.g if music is loud, get the students to turn it down. The University has three community wardens covering the main student areas and any issues reported to Security then get passed to the community wardens for follow up. The wardens will assess the situation, interview the students and discuss the issues with residents and plan a response accordingly. This may involve advice to students, a warning or even discipline (the University's regulations set this out.

See: www.lboro.ac.uk/admin/ar/calendar/ordinances/current/17/index

2. Security also do pro-active patrols of the key student areas in Loughborough. They aim to spot potential issues and resolve them if possible. E.g by moving groups on. The University invested resources in additional security staff to provide this response several years ago following campaigns by groups like SARG and discussions with them. It is important to stress that we do not have permanent Security guards in any particular locations. The service is a response service.

The University works very closely with the Police and the ASB team at the Council and we try and plan a joint response to issues. The Council and Police operate an incremental approach to ASB and where matters are reported to them they will visit students if necessary and provide warnings etc. This obviously depends very much on the nature of the incident and the evidence available. If students ignore warnings or letters they would find themselves being scaled up the incremental approach. I am not aware of this ever happening here.

One thing we have found is that this system works well in a place like Loughborough because of two factors:

(a) The size of the town. Security staff can get to key student areas in just a few minutes because Loughborough is relatively small.

(b) There is only one HE Institution and although we always check our records there often no issue of the students belonging to another institution.

I think it is also important to stress that the system is not perfect and incidents still do occur but on the whole my understanding is that SARG and other residents believe the service is a valuable one.

See: **Loughborough University** Community Wardens Service: www.lboro.ac.uk/student-services/community-wardens-service, **Loughborough University** Community Information: www.lboro.ac.uk/service/publicity/community

Manchester

Your e-mail mirrors the experience of residents in student HMO areas in Manchester. It is heartbreaking to see a neighbourhood degraded and broken up by profiteering landlords on the one hand and inconsiderate anti-social

tenants on the other. It is absurd that much needed family housing is used to accommodate students for 30 weeks of the year (essentially second homes) and in my view is a major failing of the policy to expand Higher Education.

I see from your e-mail address that you are part of a Residents Action Group. It is in my experience essential to work with others not only for personal support to deal with the appalling situations encountered on one's doorstep, but to make any dent in the blinkered attitude of the Authorities.

The difficulty is so many agencies need to work together to find solutions, Police, Universities, Local Authorities, including Private Sector Housing, Planning and Licensing among other departments.

Here in Manchester a local Civic Society [Withington] started the ball rolling 3 years ago with a Public Meeting bringing together representatives of all the agencies. The concern and commitment of local Cllrs to such initiatives is vital too. Perhaps your action group has done something similar?

Manchester City Council has responded most notably by setting up a 'Student Strategy' to find ways forward, supporting the financing of an Off-Campus manager appointed by the Universities and backing the National HMO lobby's campaign to change the Planning Law re HMOs and implementing the changes into the Local Development Framework. A tower of strength now is the Council's anti-social behaviour action team, working with the Off Campus manager, but they can only deal with problems linked to specific addresses. Local groups are also providing evidence to withstand the granting of extended hours at pubs and clubs and to press for a cumulative impact policy.

However the fact is that in some areas student HMOs so dominate the population and the drinking/clubbing culture is so embedded in university life that we sometimes despair of having made any progress at all. The drunken mayhem on the streets during the night and in and around some HMO properties remains an unsolved problem dreadful for residents including those students who don't want to be part of it.

So another public meeting is being convened this time by a Residents Group to find new solutions and many ideas are being canvassed including police initiatives, PCSO patrols after midnight, enforcement of conditions in HMO Licensing schemes, University codes of conduct/discipline to support the Off Campus manager, Student Union involvement etc.

It is all very time consuming but it is quite wrong that people are driven from their homes and thriving balanced communities lost to landlords and temporary tenants – bad for every-one.

See: **University of Manchester** Off Campus Manager: www.manchester.ac.uk/aboutus/news/archive/list/item/?id=6107&year=2010&month=09

Newcastle

In Newcastle, the Council operates a Night Time Noise Service, Nightwatch, on 7 nights per week between 8pm and 4am. The team will respond to neighbour noise as quickly as possible. They can be contacted by ringing a dedicated number and there is also an email address but it is not monitored at night.

We also have, in Jesmond, a dedicated late night police initiative, funded by the two Jesmond Wards, and the two Universities (Newcastle and Northumbria), which operates three nights per week from 8.00 p.m. to 4.00 a.m. (the nights are decided by the police according to their own data and that of Environmental Health) between September and June.

See: **Newcastle City Council** Noise Problems:
www.newcastle.gov.uk/environment/pollution/noise-problems,

Newcastle University Message to Residents:
www.ncl.ac.uk/students/progress/student-resources/community/residents

Ormskirk

We have continually asked for security from the University to patrol the streets in Ormskirk. We get no where with this. They are happy to patrol the accommodation 'on site' and any problems with students they kick them off campus, which leaves 'us' the residents dealing with them. My heart goes out to this lady. We are having to deal with exactly the same problems as she describes in her e-mail. Urinating on houses/flashing of parts/screaming/shouting in the early hours/foul language, etc., etc... Residents lives are being made unbearable, and some of us have to go to work having had virtually no sleep. This lady is correct in saying this is the worst year yet. We are working hard with the University/police and council to address problems, but it is a hard struggle.

Sheffield

Both Sheffield and Sheffield Hallam Universities have phone numbers you can ring through the night. The further you are from their own buildings, the more convincing they need that the problems are student-driven, and not just an excess of town high spirits (as distinct from gown). But the University accepts that the behaviour of students who are out and about DOES matter. I have seen disciplinary cases, resulting in fines and suspensions, following bad cases.

See: **Sheffield City Council** Night Time Noise:
www.sheffield.gov.uk/environment/environmental-health/pollution/noise-pollution/noise-nuisance

University of Sheffield Student Behaviour: Complaints and concerns about student behaviour are taken very seriously by the University of Sheffield. The University uses an incident reporting system enabling security staff to monitor complaints and other issues relating to students.

See www.shf.ac.uk/communityrelations/complaints

[National HMO Lobby, November 2011]

NEWS FROM THE LEEDS HMO LOBBY 'HEADWAY'

Note: 'Headway' aims to give local residents news about the neighbourhoods in and around Headingley. The printed version comes out quarterly, but the latest news is published on an on-going basis on the Headingley Community website: www.headingley.org. I've downloaded a miscellany of articles from the 'Local Developments' and 'Neighbourhood News' sections of the January 2012 issue to give an idea of what's going on there. However, they're no substitute for the real thing, so if you can, do try and take a look at the Headingley website.

University Developments

At either end of the A660 corridor, the University is proposing new development of two of its sites.

- At St Mark's Residence, on St Mark's Street in Woodhouse, the demolition of the existing student accommodation and erection of new student accommodation, with 526 student bed spaces.

- At Bodington Hall, on Otley Road, an outline application for residential development, including access and demolition of existing buildings.

In accordance with its Housing Strategy, the University has undertaken that no replacement accommodation for students will be within the Area of Housing Mix.

Looking Forward to a 'Fruitful' New Year

Headingley Community Orchard's newest site – the Remembrance Orchard (by the St Chad's war memorial) is now well under way. We have planted most of the young trees – apples, pears, cherries, plums and a mulberry – and also hundreds of bulbs which will give a lovely show in the Spring. In January we will plant the remaining trees and also a beech hedge to run alongside the access road. We will be on site from **10.00-12.30 on Sunday, 15 January** if anyone would like to come and give us a hand. We are very pleased that Wade's Charity, who own the site, have generously given us a grant to help pay for an information board for the site and some seating. We hope to have these in place in time for the formal opening of the new orchard which will take place on 22nd April. Further details of this event will follow nearer the time. Many thanks to all those who have supported us financially or who have given up their time to come and help with the work parties and to members of Far Headingley Village Society who have done fantastic work on the herbaceous border. ...

Farmers' Market

... 9.00-12.30 on the second Saturday of each month, 14 January, 11 February and 10 March, in the Rose Garden, North Lane (opposite the old Community Centre). Organic vegetables, smoothies, cheese, bread, free-range eggs, baked goods, jams, honey, fish, meat (farm reared and organic). Locally produced food direct from local producers. Over 20 stalls providing a rich variety of foods in season. Guest stalls every month.

Café Scientifique

- Monday 16 January, Prof. W. Gilks (University of Leeds), *DNA: What it is and what we can do with it?*
- Monday 6 February, Dr. Janine Lamb (University of Manchester), *Genes and autism spectrum condition*
- Friday 9 March, Dr Peter Wilmschurst (University of Keele), *The effects of the libel laws on science ...*

PYLOS & KATAKOLON NOTTINGHAM CITY COUNCIL

SUSTAINING BALANCED & ATTRACTIVE NEIGHBOURHOODS

*'All free governments are managed by the
combined wisdom and folly of the people.'*

[James A. Garfield]

Note: I imagine the 'roof over our heads' has been of concern since the first of our ancestors climbed down from the sheltering canopy of their forest homes.

But, I'm being flippant about something which is fundamentally important to us as individuals, our families and their futures, and the quality of all our lives.

It's central to the NAG's involvement with a variety of players. Not least of these is Nottingham City Council, its housing and planning policies, and their implementation.

Last June I was sent an invitation to a City Council housing conference (since cancelled).

Its title, '*Beyond Bricks and Mortar*', rang a bell with me and, after a root around, I came up with what had been the lead article in this magazine in 2006. I thought I'd start with that article as an introduction to a part of the magazine very much to do with the Council and with housing and planning issues, and the implementation of national toolkits (like the Housing Act 2004 and the more recent planning changes) in local policies and local strategies such as the City Council's developing new Housing Strategy and its Land and Planning Policies (LAPP) Development Plan.

First, though, it's important to make the point that the 2006 article focuses on 'studentification' and the conversion of 'family homes' into homes for students.

Students are not the only group in society for whom HMOs can and do provide homes now, and will continue to do in the future. However, many (if not all) of the observations made in the article about student-tenanted HMOs and their impact are equally applicable to all HMOs regardless of the social, economic or demographic groups which may become their occupants.

[Editor]

HOUSES ARE MORE THAN

Bricks ● Mortar ● Money

INVESTMENT OPPORTUNITIES

FOR

DEVELOPERS & BUY-TO-LET/SECOND HOME SPECULATORS

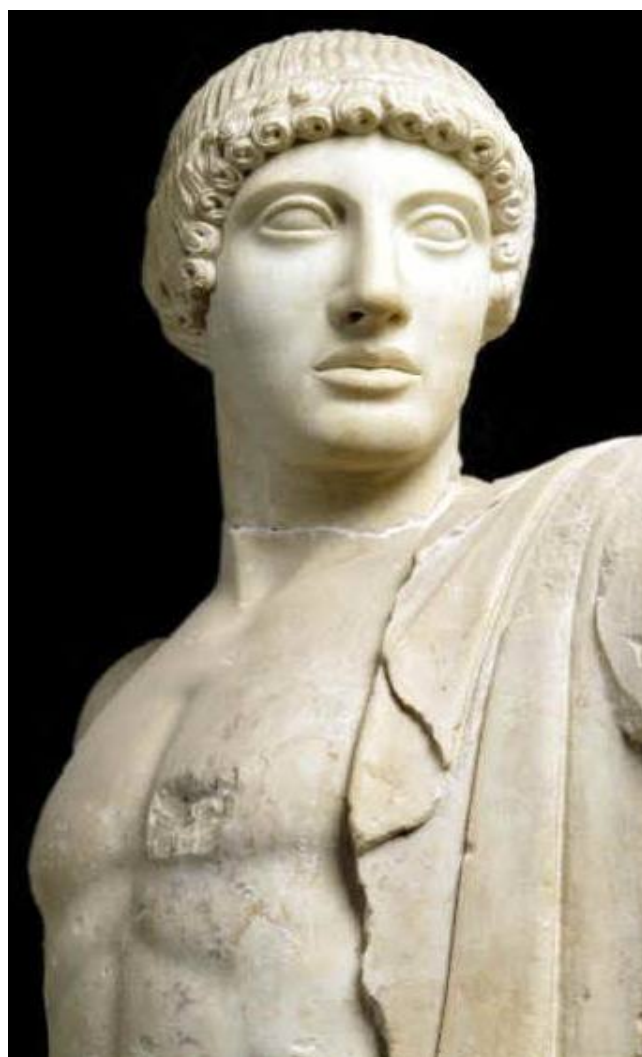
THEY ARE HOMES

BUILDING BLOCKS OF NEIGHBOURHOODS CORNERSTONES OF COMMUNITIES

When it comes to problems surrounding 'studentification', and HMOs, most of what gets talked about, and shown, is the nuisance: litter, rubbish, persistent, usually low-level, often thoughtless, anti-social behaviour.

However, it is possible to clean up streets, get rid of litter, and curb the worst excesses of landlords and their tenants. But, none of this is going to make neighbourhoods capable of sustaining and renewing themselves.

That needs people who are prepared to put down roots, feel responsibility for, and to, their neighbours, and, ultimately, contribute to the long-term health and future of the greater community. In other words, people for whom



**Apollo (5th Century BC), West Pediment of the Temple
of Zeus, Olympia: Photograph courtesy of & ©Michael
Lahanas, www.miahanas.de**

houses are first and foremost homes. People who '... stay for the long haul ...'.

Yes, a house is probably the single largest financial transaction most of us are likely to contemplate. The fact that equity is likely to increase over time is part of the picture. But, not the whole picture.

Just as important is the neighbourhood: its location, its amenities, the people – its '*ambiance*'.

We invest in a house and make it a home. We also invest in the long-term viability of the neighbourhood. What happens to it, and to our neighbours, is important. Usually, when we move on the people who buy our home also buy into the neighbourhood and its future strength and vitality and fitness.

In our neighbourhoods this isn't happening.

Speculators buying properties for conversion into HMOs purchase a commodity that will give the maximum return on their investment. They don't even live here. So why expect them to care for the welfare of the neighbourhood?

Their tenants are young, highly mobile, totally absorbed in their own lifestyles. The houses they occupy are accommodation. Their homes are elsewhere. Their

time as investors in homes and neighbourhoods is yet to come.

The danger is that council, universities, students all concentrate on cleaning up the environment ‘... *bailing out the Titanic’s engine room with teaspoons ...*’ and put aside the fact that there are: too many HMOs, too few families, not enough children, degraded amenities. They must not ignore the social and emotional misery of real people living in the host communities who are at risk of become aliens in the dying neighbourhoods that were once their own.

In our neighbourhoods families and others don’t want to, or are prevented from, making a commitment to the ‘*long haul*’. That has to change. How to do this is the real challenge – for council, universities, students [landlords] and, ultimately, for Government itself.

Rise to it and there is some hope that we will again have

Neighbourhoods were families want to live ... not leave!

[Nottingham Action Group Magazine,
Summer-Autumn, 2006]

‘FIRST PERSON’ THOUGHTS ON HOUSING & HOMES

Note: Following its revamp, the *Nottingham Post* has started to have guests who write ‘*First Person*’ articles on a range of topics, amongst them these two which appeared recently in a two-page spread devoted to housing needs and policies.

Councillor Jane Urquhart is the City Council’s Portfolio Holder for Planning and Transport, and Matt Ashton is a Lecturer in Politics at Nottingham Trent University. Both have some interesting (and possibly controversial) thoughts on the subject. You may also find some of them rather familiar.

Immigrants, Students & Older People Are all Going To Need Homes in Which To Live

All councils are required by the government to set targets for providing new housing in their area – but why?

The city council, along with other local authorities in Greater Nottingham, will shortly be publishing plans for how the area should develop up until 2028, including the number of new homes thought to be required.

Some people may think there’s already enough housing in the area. Some may say we don’t need new housing when there are so many vacant houses and flats. But, while we need to continue to make efforts to reduce the number of empty properties, this doesn’t provide nearly enough homes.

There are a number of reasons why more housing is needed. There is of course an increasing population.

This plays a part but, even if there was no increase, and no net immigration from overseas, we would still need new housing.

The main reason is the ageing population. Projections show 36,000 more people aged 70-plus in Greater Nottingham by 2028, forming nearly one in six of the population, compared to one in nine now.

There’s also an increase in family break-ups and more people living alone, meaning the average household size

is continuing to reduce, so we need more homes even if the population stays the same.

In addition, like most cities, Nottingham has experienced considerable immigration in recent years and rises in the number of students, both of which have contributed to its population increase.

And we need to plan for a time when people can once again afford mortgages or find a home to rent, and so form their own households.

This will include providing sufficient low-cost housing and meeting the needs of older people. New homes are needed and will, of course, provide local jobs during construction.

One of our priorities is to increase the number of larger homes with gardens suitable for families, which are in short supply in Nottingham.

We are committed to developing them sustainably through their location near good public transport, making them as energy efficient as possible and providing a broad range of housing types so they are accessible to all.

[Jane Urquhart, *Nottingham Post*,
Thursday, 12 January, 2012]

Care Needed To Avoid Return To Solutions Of Sink Estates

Housing policy is an emotive issue and one that has a lot of traction on the doorsteps of England.

Houses are more than just bricks and mortar – they’re our homes, where we grow up and then raise our own families.

Therefore, it’s all the more surprising that politicians have allowed us to get into the state we’re in.

I don’t think I’d shock anyone if I said that national housing policy in this country has been an absolute shambles for decades now; dominated either by short-termism or a willful desire to look the other way.

Much like the debt crisis, we’ve simply been putting off the problem until tomorrow and now tomorrow is just around the corner.

It’s not just a question of people not having anywhere to live either, although obviously that’s a priority.

The shortage helped create the housing boom and subsequent bust.

Other research has shown that it’s also a contributing factor behind a host of social problems in recent years and that healthy supplies of community housing are essential for creating social cohesion and stability.

It’s not just a case of simply speed-building more houses though.

We have to think very carefully about a range of factors.

For instance, where do we build them? Are they affordable? Are they properly supported by suitable infrastructure and amenities?

The badly-designed and built sink estates and concrete tower blocks of the 60’s and 70’s, and the legacy of social problems that followed, are what happened last time we rushed into building new homes without thinking it through.

Attempts to build on green-belt land or even reclassify it have met with stiff resistance across the country.

Everybody seems to agree that new houses have to be built but it's just finding the right place to put them.

Brown-field sites are an obvious answer, along with rejuvenating existing housing. Equally, we need to look carefully at the issue of house prices, social housing and the second homes issue.

All of these are part of the bigger picture and attempting to deal with one but not the others is like

trying to put together a jigsaw puzzle using only one piece.

Obviously all of this is going to cost money and, in the current economic climate, that's in short supply. But if anything's worth spending money on, surely it's this.

**[Matt Ashton, Nottingham Post,
Thursday, 12 January, 2012]**

LICENSING OF HMOs

NEW CITY-WIDE HMO LICENSING POWERS INTRODUCED [in Oxford]

Oxford City Council's groundbreaking new powers for licensing houses in multiple occupation (HMOs) come into force on Monday 24 January 2011.

The Council already licenses larger three storey HMOs that contain five or more tenants and currently over 600 HMO licences have been issued, but an Additional Licensing Scheme has been introduced that means every HMO in the city will need to obtain a licence.

Oxford City Council is the first council in the country to introduce a HMO licensing scheme that covers the whole of its area and that requires every HMO to be licensed.

The scheme is being introduced in two phases. From Monday 24 January, all three or more storey HMOs in Oxford will require a licence and so will all two storey HMOs that contain five or more tenants.

All remaining HMOs will require a licence from January next year. It is estimated that this will involve licensing approximately 4000 properties in total.

Councillor Joe McManners, Board Member for Housing, says: *"I am delighted that we have finally got the powers to improve every HMO in Oxford."*

"They have long been recognised as being a particular problem in the city, providing the worst homes and in many cases being poorly managed."

"The private rented sector is hugely important to the residents of Oxford, not just in terms of providing much needed accommodation, but also with the impact that it can have on local communities and licensing every HMO will help drive up standards for everyone."

"We have designed the scheme so that it is self financing and I'm pleased to be able to say in these tough times that the Council Taxpayer is not paying a penny towards it."

"We have also recognised the important role of good landlords by developing a charging regime that provides them with incentives and which clearly punishes the bad landlords."

An Additional Licensing Scheme gives the Council increased powers to deal with HMOs. Every HMO will be inspected before a licence is issued and the Council are able to specify conditions on the licence that the licence holder must comply with or face legal action.

If problems occur with poor management or unsafe conditions, legal action can be taken which may result in the licence holder losing their licence and their ability to run HMOs.

Those landlords who have already been found guilty of relevant offences will not be able to hold a licence for an HMO and will have to find someone else, such as a reputable Letting Agent, to run their properties for them.

There will be an annual fee to license an HMO and the fees will be used to pay for the scheme so that it is self financing and there will be no cost to the taxpayer.

There will be additional charges for landlords who try and avoid licensing their properties and where complaints from tenants or residents result in extra visits by officers being necessary. There will be fee reductions for good landlords, including those who own multiple properties

**[Oxford City Council Website,
24 January 2011]**

NOTE:

For more information on Oxford City Council's approach to HMOs see:

www.oxford.gov.uk/PageRender/decH/Houses_in_Multiple_Occupation_occw.htm

NOTTINGHAM CONSULTATION ON ADDITIONAL LICENSING FOR HMOs

Note: As reported in the *Nottingham Post* in October 2009 (and in the last issue of this magazine) the City Council announced a proposal to extend HMO licensing to parts of the city. The Council's website also announced a consultation to run until mid-December 2009.

Additional licensing of HMOs has yet to happen. However, the Council's website is now providing an alert that a new consultation will take place in 2012.

There is a school of thought that additional licensing will not produce the same impact on the quality of maintenance and management of HMOs as mandatory licensing has had, and no doubt, as in the past, there will be strong opposition from some quarters.

However, Oxford appears to be setting a useful example for Nottingham to follow. So, for further developments, watch the City Council's website at: www.nottinghamcity.gov.uk.

City Council is considering whether to implement Additional Licensing which would extend the Licensing provisions of HMOs, under the Housing Act 2004, parts 2 and 3. Nottingham City Council will be inviting you to take part in the consultation and let us know your views.

An HMO is a building or part of a building occupied as a main residence by more than one household. In summary, this means that properties occupied by individuals who are unrelated to one another and who share facilities, by definition, are houses in multiple occupation, including properties occupied by students.

HMOs are present across the whole of the city, with concentrations in certain wards. The density of housing and the level of occupation of HMOs can mean that if they are not effectively maintained and managed, they can be detrimental to both the occupiers and to the

neighbourhood.

The Housing Act 2004 provides legal powers to the Local Authority, to address some housing and management conditions, including the mandatory licensing of certain types of HMOs of a prescribed description. Under licensing, certain sets of standards and management arrangements are required to be met. In Nottingham City fewer than 30% of HMOs are licensable under the mandatory scheme. The overall effect is that there is a limited ability to control the non licensable HMOs and the impact they have on neighbourhoods and on their occupants.

HMOs & PLANNING CONTROLS: NOTTINGHAM'S ARTICLE 4 DIRECTION

The first part of this magazine, having followed what from January 2010 at times seemed like a game of national planning legislation Snakes and Ladders, ended with the decision of Nottingham City Council's Executive Board in February 2011 to accept the recommendation of its officers, and authorize them to take the first steps towards an Article 4 Direction to control the future numbers and locations of HMOs in the city.

Formal notification that the City Council had made a city-wide Article 4 relating to HMOs which, subject to confirmation by the Council, would come into force on 11 March 2011, came soon afterwards.

The notification also announced the start of a consultation on the Direction, to run from 11 March to 27 April. In the event, the consultation period was extended to 31 May 2010.

Just as the February report to the Council's Executive Board had elicited strong and emotive headlines, so did the consultation on the Article 4 Direction. A *Nottingham Post* article on the 27 April carried the banner: '1,000 students oppose city council's homes plan "discrimination"', and the website of Nottingham University's Students' Union outlined the opposition of students at the university under the headline: 'Student leader warns of outrage at "under the radar" changes to planning legislation'.

It may be that, just as the General Election campaign had in 2010, the impending local elections also added to the atmosphere that built up during this period. Certainly some very intemperate statements made at a hustings meeting in Wollaton Park (arranged by the *Nottingham Post*) did nothing to improve the objectivity of what developed into a divisive, highly polarizing, mis-informed and at times, very disagreeable, discourse, reverberations from which have yet to subside.

The consultation report made a number of observations beginning with:

'The consultation prompted submissions from 258 separate respondents spanning a wide range of interests including property companies, letting agents, local and national landlords' organisations/associations, MPs, Councillors, residents' groups, action groups, property related organisations, the Universities, students, residents and public sector housing providers. An electronic petition was also submitted jointly by the University of Nottingham and Nottingham Trent University Students' Unions, with 3,819 entries. ... Out of 258 separate respondents, 188 object to the proposal, 65 support it, 4 provide other comments with a further respondent indicating support in principle. ...'

With that many responses, it is possible to print only a selection of them. I don't claim to be a disinterested spectator, but in making my selection I have sought (and probably failed) to achieve some degree of equanimity and balance between the differing viewpoints represented in the Council's Report, which can be downloaded in its entirety from the Council's website:

Mandatory licensing has had a positive impact within neighbourhoods across the city, but there are still a number of sub standard and poorly managed non licensed HMOs.

The Housing Act allows for licensing powers to be extended to HMOs, which are currently excluded from the mandatory licensing scheme. The consultation is due to take place in 2012. Please monitor this page, which will be updated when all the information is available.

[Nottingham City Council Website,
28 December 2011]

www.nottinghamcity.gov.uk/ChttpHandler.ashx?id=31702&p=0.

It is probably as well for me to add the comment that I have omitted from this selection all responses that came from: national and local landlord associations and organizations; from national and local students' unions; from politicians (i.e. MPs and councillors); from the universities; and from a number of other interested parties, including the NAG.

My final selection is a set of comments from a postgraduate student, picked not because they are supportive of the Direction, but because the observations made are 'different', and, simply, resonated with me.

[Editor]

CONSULTATION RESPONSES

LANDLORD

●The introduction of the direction will be detrimental to the provision of shared housing in the City & will push already vulnerable tenants onto the 'black market' which you already appear to struggle to police.

●Do not believe the directive will remove existing HMOs, if anything it will just discourage normal landlords to move further away from this already overly regulated market pushing further areas of the City into slum conditions. The belief that families will move back into these areas is severely misguided, & the effect of the direction in some cases could well be that properties will actually lose value & fall into disrepair.

●The direction will prevent further investment in the private rented sector when more & more young people are struggling to buy their own property & the population of sharers is on the rise.

●The private rented sector is becoming increasingly important to DSS tenants across the City, yet the Council are planning to reduce the choice available to them. This will inevitably force up prices, which doesn't make any sense.

●The City's growing student population relies heavily on shared accommodation. Many businesses in turn rely on the students & post graduates that stay in the city for trade & for employment. Whilst the elderly may enjoy deserted streets outside of term time I believe the increased number of students helps to create a more vibrant & diverse city.

●Forcing students into over-priced purpose built villages may tick a lot of Council boxes & please certain pressure groups that the Council funds but it does nothing to help prepare students for the real world & also

removes from them the choice to share a house with friends which has been part of student life for generations.

- Private landlords need flexibility to adapt property to suit changes in circumstance. The direction will remove the ability to switch between sharers & families without first obtaining planning permission.

- What business is it of the Council to police who lives in privately rented properties as long as they are managed properly & the property meets all the safety criteria required?

- Introducing the direction appears to be principally another Council job creation scheme with the only benefit being to Council employees rather than tenants or the tax-payer.

LANDLORD

- It is a time consuming and costly exercise for the Council, landlords & ultimately tenants (who will end up paying for it through increased rent).

- The Council is trying to socially engineer where people live & it should have no business to do so. It is an infringement of liberty.

- The uncertainty of the planning process will deter new landlords, but Nottingham needs private landlords, because the Council is incapable of providing housing for everyone.

- Central Government is trying to simplify planning requirements while the direction would complicate it. The direction will result in a drop in private sector investment in Nottingham.

STUDENT

- The timing of the consultation period falls when a large majority of the people affected by these proposals (the students) are likely to be away from Nottingham. The consultation period should be extended to allow students to be fully consulted, & the Student's Unions of both Nottingham universities to be fully involved in the process.

- Measures dictating where any particular social, racial, financial, professional or other group are allowed or "encouraged" to live is unnecessary, undemocratic, unfair, discriminatory & unlawful. Students, as with any other group within society, have the right to live where & how they choose – it is not the place of the Council to force any group to live in a certain manner or location, as these proposals attempt to do.

- Restricting students to a sole area or style of accommodation removes their freedom to choose the housing most appropriate for their needs & means, & will have the effect of forcing students to live as second-class citizens in over priced, low quality housing. These areas are also likely to become prime targets for burglaries & robberies, which will put additional strain on police resources if the areas are to be kept safe for the people who live in & near them.

- The proposal will harm the business of the hundreds of private landlords who have made great investments in making their properties student-friendly. Far from being ideal family homes, many of these properties would be too expensive for a young couple to afford, & are far too large for the modern family, most having four, five or six separate bedrooms – making them ideal for a small group of students wishing to live within the community. Many of Nottingham's landlords & estate agents depend on students for their livelihoods.

Nottingham's large student population are an essential source of revenue for retailers & service providers. For small businesses & those in the service trade such as pubs & restaurants, students provide an essential source of relatively inexpensive, flexible & readily available labour, without which they would struggle to continue to trade at competitive prices.

- Most university students work part-time jobs to help fund their studies, but if they were forced to live in certain areas, for many it would become impossible to manage both work & study, as they would no longer be able to choose a home well placed for both. This would mean a loss of an important labour resource, loss of tax revenue, & in the long run would make Nottingham a far less attractive city to prospective students.

- Whilst students may have a reputation for being untidy, antisocial & undesirable, this vulgarised stereotype forgets that students are intelligent, capable individuals who are the next generation of well respected professions. Students are a diverse group of people. Mature students will often have a family to raise alongside their studies, & may have in fact been a part of the community for many years. Discrimination against students is discrimination against a vast section of society.

- Given the chance, most students integrate well with the local community & give back in many ways, including through paid & voluntary work, & even just simply bringing life, vitality & money to an area.

- The Council should bear in mind that as a City which boasts two large Universities within its boundaries, plus others including Loughborough in close proximity, & which draw a prestigious & international group of students to the City & surrounding areas, it would do well to treat its large student population with the respect it would any other group.

STUDENT

- Areas with high student populations benefit hugely from having a world-class higher education institution.

- Students have helped to make the City diverse & dynamic.

- Students have had other positive impacts, such as through many volunteer initiatives including conservation projects, working with schools & working with elderly people.

- Acknowledge the problems that the proposed plans are intending to deal with, but do not believe the solutions treat students fairly.

- Families & students are both in need of affordable housing, & students will increasingly be in need of it when tuition fees increase from 2012. Purpose built student accommodation is nearly always more expensive than renting in the private sector.

- Solution must treat students as adults, who are part of the community.

- Segregation will worsen relationships with the rest of the community.

LONG-TERM RESIDENT

- Welcomed the introduction of the April 2010 HMO planning legislation & were disappointed when this was overturned by the coalition Government.

- Believe strongly that the Council must be able to use planning legislation to control the change of homes into HMOs as part of a wider housing policy.

- Want locally elected representatives & local planners to respond effectively to local people's concerns about the way in which the spread & concentration of HMOs are affecting their own, very local, neighbourhoods.

- Vulnerable neighbourhoods like Lenton need protection from the problems caused by HMOs, especially when there are too many of them already.

- The problem is not isolated to Lenton alone, & excessive HMO conversion has already blighted other parts of the City.

- When too many HMOs saturate an area they contribute to the creation of fragmented neighbourhoods where buy-to-let activity threatens community support & cohesion. If we were to move to another part of the City we would want to be sure that the problems experienced in Lenton do not arise elsewhere in the future because of the indiscriminate conversion of family homes into HMOs.

- Believe the direction has to be city-wide to make sure that the Council can respond quickly to the build up of HMOs without having to wait 12 months for the legislation to become effective, & to stop conversions to HMOs taking place in streets just outside an area with a direction in place.

- Wish to see confirmation of the direction without any modifications to the present proposals.

LONG-TERM RESIDENT

- The proposal demands widespread and enthusiastic support to which we are very keen to add our backing.

- If this is the way to mitigate the willful reversal of the April 2010 planning legislation, the Council needs to be aware of the well evidenced views of local residents (& voters) & to resist the pleas of landlords & agents, who in many cases are not residents or voters & motivated purely by easy profits.

- In our experience the problems in areas like Lenton arise not from students as individuals, but the density of HMOs, which reaches a point where a community fragments and ceases to function.

- Affected areas begin to spread to adjoining suburbs, so a city-wide approach is essential.

- Urge the confirmation of the unmodified direction with the least possible delay so that further deterioration is nipped in the bud.

POSTGRADUATE STUDENT

- Some students may well 'love' Lenton & other neighbourhoods occupied by students, but anyone (students included) would be hard pressed to say that they love the substandard living accommodation & the lax attitudes of some landlords towards rental properties.

- The Housing Act 2004 is basically unknown to students who occupy a property during term-time only, & enforcing housing law against poor landlords is extremely limited unless an individual takes court action or involves their already overburdened Council. Both avenues are limited with a transient population such as students, & therefore the cycle continues leaving neighbourhoods to degrade.

- As a full-time postgraduate student living in Nottingham 12 months of the year, I resent the problems that student housing & HMO properties bring. Not all students want to live in substandard accommodation with limited tenancy assurance, not to mention the neighbourhood problems caused by properties that are

neglected by landlords & unoccupied for several months of the year leading to increases in crime & poor maintenance, not to mention the rubbish, noise and wheelie bins.

- These types of properties price Nottingham graduates out of the market for renting or buying a small property or flat when they enter the job market.

COUNCIL EXECUTIVE BOARD CONFIRMS ARTICLE 4 DIRECTION

Balanced neighbourhoods will be protected for future generations by controlling the over- concentration of houses of multiple occupation (HMOs)

City Council has today (November 22nd) agreed to change planning arrangements to control the numbers and location of future HMOs.

A relaxation in planning rules by the Government in 2010 removed the need to obtain planning permission to change a "C3 Dwellinghouse" to a "C4 House in Multiple Occupation by three or more non-related people." More than 20 local authorities across the country, including five other Core Cities, have made article 4 directions to reinstate the need for planning permission to control and manage HMO conversions. This move has now also been approved by the City Council's Executive Board, which means that from 1 March 2012, planning permission will be needed to change the use of a C3 property to a C4 property. The Direction does not impact on existing properties that have already been converted for multiple occupation.

Councillor Jane Urquhart, Nottingham City Council's portfolio holder for Planning and Transportation, says: *"Protecting diverse communities where people of all ages can live has enormous benefits for neighbourhoods and the people who live in them. The introduction of an Article 4 Direction will help us control further increases in HMO concentration. The council is not denying choice to anyone but simply ensuring that in neighbourhoods which have a healthy balance of family housing, student accommodation, shops and suitable community facilities, these characteristics are preserved."*

The Council is concerned that a high concentration of HMOs can lead to imbalanced and unsustainable communities. Some side effects of this are increased anti-social behaviour and noise, harm to the physical environment and streetscape and a loss of community facilities and services, in particular those which support the needs of families. Many HMOs are currently concentrated in areas of the city close to the universities. In these areas, many HMOs, though not all, are occupied by students. Many comments were received from students during the consultation about the proposals which helped inform the decision but some confusion has arisen about some aspects of the proposals.

Cllr Urquhart added: *"We have considered all the objections raised. We are very proud of Nottingham's status as a top university city, and I hope students are clear that this decision does not affect existing HMOs and will not suddenly reduce the housing stock available for them as it*

will only apply to new proposals. There is inevitably a link between the areas which have a high concentration of HMOs and the neighbourhoods in which students live. We want students to continue to play a crucial role in shaping neighbourhoods and communities, but as part of their community and not in isolation.

"A city with diverse communities, with suitable housing for all citizens, gives people choice and flexibility in their decision making about where to live. A balanced neighbourhood is one which offers decent homes that meets the needs of all people while providing a safe and attractive environment in which to live. Introducing an Article 4 Directive will go some way to help achieve this."

[Nottingham City Council Website,
22 November 2011]

OBSERVATIONS ON NOTTINGHAM'S ARTICLE 4 DIRECTION

Over a prolonged period now, there have been many comments made at a variety of meetings, in the press, in other media at all stages of the progress of Nottingham's Article 4 Direction from February 2011.

These have not always contributed to a better understanding of this piece of planning legislation and its use.

The following observations may go some way towards: ●providing a better understanding of the Direction; ●explaining why the NAG has supported it and its city-wide implementation; ●responding to accusations made before, during and after the consultation, as well as more recently, that the measure is 'discriminating' against students and, by removing HMOs from the market place will force them to live in 'low quality' (presumably purpose-built) housing; ●drawing attention to the need for the City's elected Members and their planning and housing strategists to develop policies that enable this tool to be used effectively.

The City of Nottingham needs to continue to develop housing strategies that will provide a sufficiently varied range of housing types and tenures to suit the future needs of an increasingly complex housing market, whilst at the same time ensuring that housing provision goes hand-in-hand with high standards of housing quality and management.

When it comes to HMOs, tools such as the provisions of the Housing Act 2004 (which include HMO licensing), and introduction of DASH (Decent and Safe Homes) standards as part of accreditation schemes provide a sound basis for achieving the latter.

However, until changes to planning legislation (Use Class Order) were enacted in April 2010 there was no tool to enable effective management of the development of HMOs, and especially to mitigate against the recognized adverse effects (environmental, social, economic) of concentrations of HMOs.

The October 2010 amendment of that legislation advocated the use by local authorities of Article 4 Directions to do so.

The following points are central to an appreciation of what the Article 4 Direction is, its uses, and its limitations:

●Until recently HMOs were the only form of housing development that did not require planning permission to be sought. Use of the Article 4 Direction addresses this anomaly by requiring anyone who wishes to convert a property into an HMO to obtain permission to do so.

●It is for the local planning authority to decide, based on local planning/housing policies, whether to grant or refuse that permission.

●Thus, It is entirely incorrect to assume that refusal of planning permission for conversion to an HMO will be automatic.

●It enables people living in the neighbourhood around the proposed HMO to have a say in the council's decision-making process, just as they already do in many other planning developments. In other words, 'localism' in action.

●The planning legislation from which the use of Article 4 Directions has emerged is not retrospective. Therefore, if a property is already an HMO it will remain so unless the owner chooses to change its use. It is incorrect to claim that owners of existing HMOs will need to get planning permission to continue renting out their properties as HMOs, and that their tenants will be forced to look for accommodation elsewhere.

●The local planning authority has to be prepared to justify its decision to refuse planning permission from 'family home' to HMO at a Planning Inspectorate Hearing) and to incur substantial costs if an appeal against refusal is upheld.

●The definition of HMO used in the Housing Act 2004 has been extended to planning legislation because it avoids unnecessary confusion, and because it has been demonstrated over an extended period to be an effective and workable definition.

●An increasing number of local authorities across the country are following the same route as the City of Nottingham by introducing Article 4 Directions to manage HMO development. By no means all of these have identified student occupation of HMOs as the reason for seeking powers to do so. Rather, it is HMOs in general, and particularly concentrations of them and their effect on the balance, cohesion and sustainability of neighbourhoods, which is at issue, not the demographic, socio-economic or ethnic status of their tenants.

●In Nottingham there is no shortage of HMOs, especially those on offer to students. Therefore, since the Article 4 Direction is not retrospective, this means that any reduction in the amount of HMO accommodation available to students and other groups of tenants will only happen if:

(a) Owners decide not to rent out to students which, bearing in mind the rental potential and guaranteed demand, is not likely;

(b) Students become more discerning about the quality of what they rent and how much rent they pay. This may well persuade some owners (especially the least desirable) to quit the student HMO market, which we suggest is something that students, universities, council, 'professional' landlords and agents, as well as established residents, support since it would help to drive up standards of maintenance and management, and so would be of considerable benefit to all parties involved;

(c) There is a substantial and sustained increase in the student population, akin to that in the 1990's and

early to mid-2000's, unlikely in the present economic climate.

●Therefore, it is difficult to see how implementation of the Article 4 Direction in the City of Nottingham will have a detrimental, disproportionate or discriminatory impact on students and their choice of housing.

●Neither is it going to force them into purpose built accommodation since, for example:

(a) The rentals in purpose built accommodation and halls of residence are substantially higher than those in HMOs and likely to remain so;

(b) The simple fact is that there are not (and not likely to be in the foreseeable future) sufficient bed spaces available in purpose built accommodation and halls of residence to house more than at most the majority of first year students and a proportion of returners.

●For a number of reasons, particularly to avoid liability for claims for compensation, there is usually a twelve-month period before the Article 4 Direction becomes effective. Conversion into an HMO can, and often does, take place very quickly indeed. Consequently, the character, balance, cohesion and sustainability of a neighbourhood can be affected well before an Article 4 Direction can be put in place. This inherent inflexibility of an Article 4, and the problems arising from it, are avoided if, as in this instance, the designation of the Direction is city-wide.

Nottingham's Article 4 Direction is merely a tool, but one which, allied to sound and co-ordinated housing and planning policies, will go some considerable way towards ensuring that all residents of the City of Nottingham have the opportunity to choose the housing that best suits their requirements, whether to buy their homes or rent them, and whether to live in the city or move out of it.

Without the management potential of the Article 4 Direction and its utilization, those choices will be even more limited than they are now.

POSTSCRIPT: AS ONE DOOR CLOSES ANOTHER OPENS

Notice of an Article 4 Direction has now been given by 25 councils. Some, like Nottingham's, are city-wide, whilst others are specific to selected neighbourhoods. As Richard mentioned in the HMO Lobby Report, the first to come into effect was Manchester's city-wide Direction and the rest, if they have not done so already, will do so during 2012.

Just before Christmas 2011, Richard alerted members of the Lobby that from Leeds City Council planning officers he had learned that a national landlord association had written to Government (Department for Communities and Local Government) stating that their belief that 19 local authorities, in drafting their Article 4 Direction boundaries, had gone beyond what can be reasonably justified in terms of the sizes of the areas included in the Direction. They had asked the Secretary of State to cancel these directions.

Richard's message also included the e-mail he'd sent in response to this information to Grant Shapps MP (Minister for Housing). As a member, the NAG has always endeavoured to provide whatever support it can to the

Lobby; in this instance doubly so since Nottingham has been confirmed to be one of the 19 local authorities. To this end, an e-mail was sent on the 3 January, 2012 to the Secretary of State (Eric Pickles MP) and to Grant Shapps, on behalf of the NAG, detailing why the NAG believes that a city-wide Article 4 Direction is an appropriate choice for Nottingham City Council to have made, pointing out that:

'...in the present economic climate, Nottingham City Council's officers would not have been prepared to recommend a measure that would involve a sizeable amount of extra resources without good reason. Equally, Nottingham City Council's Executive Board would not have endorsed these recommendations had it not felt that this was the right choice to make for the City of Nottingham, both in terms of implementation of an Article 4 Direction, and, just as importantly, its geographical extent.

... you could say, with a good deal of justification, that this decision by Nottingham City Council, based on a local, Nottingham City-based assessment of need is very much an example of localism in action and clearly what the Minister (Mr. Shapps) advocated local authorities should do when, in October 2010, he removed the requirement for planning permission to be obtained for conversion from C3 to C4 dwellings. In the light of this, I would argue very strongly that for central government to now do as the landlord associations ask would be to go against the spirit of localism.

... whilst one can appreciate why, to use a Greater Nottingham example, a local authority such as Broxtowe Borough, which is made up of several district areas with separate, very distinct communities (e.g. the townships of Beeston and Eastwood) might not consider an authority-wide Article 4 Direction to be appropriate, this is not the case for Nottingham City Council. The City of Nottingham is a continuous urban area with very tightly drawn boundaries and in this instance a city-wide Article 4 Direction makes good sense.

Other National HMO Lobby groups have also written to CLG on this topic. Richard has had some correspondence from CLG, confirming that representations have been made to the Secretary of State, so it appears that at a national level the storm over HMOs and Article 4 Directions has yet to blow itself out, and much the same can be said for Nottingham where it seems likely that the validity of the City's Direction will be challenged.

However, even without this potential setback, the date when Nottingham's Direction comes into operation (11 March) will not mark the end of the story. Rather, it will bring to a close the first part, whilst opening the door to the next, and potentially the most important, phase: how the Direction is used (and, of course, how it is enforced).

As Richard has mentioned, and as the NAG has continued to emphasize at all stages, the Direction is only a tool, providing the Council with the ability to control HMOs. In itself, it is not sufficient to justify refusal of planning permission. That requires the appropriate planning policies to be in place.

Also, for Nottingham as a whole to get the most overall benefit from the Direction, it is going to be important for the planning policies to form part of the 'bigger picture', i.e. to be allied to the City's future housing strategy.

As you will see in the next section, following public consultation, the City Council is now reviewing and revising its housing and planning strategies.

The NAG has made submissions to both consultations. These are lengthy documents which will be available for download from the NAG website once it has been

updated. In the meantime, if you are interested in seeing copies, please contact the NAG:

Tel **07762-525-625**;

E-mail contact@nottinghamaction.org.uk.

[Editor]

AND NOW ... THE REST OF THE NEWS

HOUSING

Motion on Private Rented Sector Housing in Nottingham Presented to the December Meeting of Nottingham City Council

Given the increasing pressure on all housing sectors in Nottingham and the important role that the Private Rented Sector (PRS) plays in housing provision in the city, it is all the more important that the City Council supports PRS to deliver a good service but also helps tenants to tackle poor landlords. The Council will therefore:

- Establish a Nottingham City wide kitemark for standards in private rented accommodation to expand the coverage of landlord accreditation which recognises existing work carried out through Unipol and other schemes;

- Create and promote a register of landlords and properties that meet this standard;

- Respond to complaints from citizens and take appropriate action including enforcement to protect citizen health, safety and well being;

- Increase and improve engagement with PRS landlords through the Housing Strategic Partnership and the Landlord Liaison Panel.'

[Councillor Alex Ball, Executive Assistant, Housing, Regeneration & Community Sector, November, 2011]

HOUSING NOTTINGHAM PLAN

Nottingham's Housing Strategic Partnership (HSP) is developing a new housing strategy for the city known as the 'Housing Nottingham Plan'.

Over the summer and autumn months citizens have helped us by completing a quick survey. The results of the survey will help us to develop our new plan. We wish to express our thanks to all those who participated in the survey and congratulations to the winners of the free prize draws.

We are expecting the draft of the new Housing Nottingham Plan to be ready by early spring 2012.

We will use this web page to keep citizens updated on the progress.

[Nottingham City Council Website, 12 December, 2011]

LAND & PLANNING POLICIES

This Development Plan Document combines two documents that were formerly known as 'Site Specific Land Allocations and Policies DPD' and 'Generic Development Control Policies DPD'.

Purpose:

- Nottingham City Council is developing a new Local Plan, called the 'Land Planning 'policies Development Plan Document', which will help shape new development in the

City over the coming years. This is separate from the Core Strategy.

- The purpose of the plan is to make sure that new development meets the needs of Nottingham's citizens, while protecting what is best about the City.

Current Stage:

- The first stage in the production of the plan is informal and is called the 'Issues and Options'. This document underwent consultation from the 26 September 2011 until the 21 November 2011.

- The full document can be downloaded from ... [the Nottingham City Council website – as can the separate sections of the document: Editor's Note]

[Nottingham City Council Website, 11 November, 2011]

PRIVATE RENTED SECTOR COUNCIL TAX

Deputy Claims City is Being Punished Over its Student Population

Nottingham is being penalised by the Government for having a student population, according to the city council's deputy leader.

Councils receive money from the Government to compensate for the fact that students do not pay council tax.

And Graham Chapman says this funding has been slashed by 27 per cent for 2012/13.

He said the cut will cost the council £3.477m a year.

Mr Chapman said: "The Government used to compensate us £1,415 per student property, and from that it's going down to £1,035.

"It means we will lose £3.477m. That will be part of £24m cuts we planned already."

The figure is based on the 2012/2013 formula grant, Government money given to councils based on the needs of their area and population.

This grant is worked out according to factors like how much council tax is paid and how wealthy its population is.

A Government spokesman disputed the council's figures, saying the formula grant is not ring fenced and it is up to the council how much they choose to spend on each area.

The spokesman said: "It is an un-ring-fenced block grant which means local authorities are free to use it for any service.

"For this reason, and due to the method of calculating formula grant, it is not possible to say how much grant has been provided for any particular service, including any amount for student council tax exemption."

Mr Chapman said: "It's another way of hitting cities and not rural shires. It's definitely not the fault of the students but cities are the motors of the economy, so this will hurt growth."

Alex Corck-Adelman, president of the University of Nottingham Students' Union, said: "We are confused as to how Nottingham City Council is claiming to know such specific figures, given that after numerous requests, we are yet to receive a satisfactory explanation of how their estimations are calculated.

"We understand and appreciate that the council, as with most organisations around the country, is facing financial

difficulties and funding cuts. This, however, should not be used to target students as a means of raising funds."

Nottingham Trent University Students' Union said: "It is regrettable that the Government's decision is going to affect local spending cuts.

"But students will continue to be a significant asset to the city. Each year students bring millions in revenue and benefits to the local community."

[Nottingham Post,
Tuesday, 22 November, 2011]

CORFU

NOTTINGHAM ACTION GROUP ON HMOs



Pontikonisi & Vlacheraia Monastery, Corfu:
Photograph courtesy of & ©Stefanos Kopzanis

REPORT BY THE COMMITTEE TO THE MEMBERSHIP OF THE NOTTINGHAM ACTION GROUP ON HMOs NOVEMBER 2011

'No man is an island, entire of itself ...'

[John Donne]

Background

In the nearly eight years since the Nottingham Action Group on HMOs (NAG) was formally constituted, its work has concentrated in three, often overlapping, areas: **National** (as a member of the National HMO Lobby); **Nottingham** (as the group representing the interests of Nottingham residents who live in areas where HMOs are of concern); **Neighbourhood** (working to improve the quality of the environment for residents and HMO tenants living in areas where there are HMOs).

Management Structure

The business of the NAG is conducted by an elected committee consisting of Chair, Secretary and Treasurer plus no more than three other members with full voting rights. However, from time to time, the committee does co-

opt individual members whose special interests and/or expertise can make a valuable contribution to its work. Co-opted members do not have voting rights.

The NAG's membership is drawn from residents living in neighbourhoods which are predominantly within the City, although there are also members in West Bridgford and Beeston. These neighbourhoods, and the experiences and expectations of our members living in them, are diverse and sometimes difficult to reconcile.

However, to try and ensure that the NAG does the best it can to represent everyone's views and ideas, the Group now has an Executive. This is made up of the Committee and a variable number of other members (currently around 12) whose homes are in a wider range of neighbourhoods than those of Committee members, who want to contribute their knowledge and skills to the work of the NAG, but who are not able to take up a position on the Committee. The structure of the Executive is informal: members usually join because they have been suggested to the Committee by other members, or because they have expressed an interest in joining.

The majority of the work of the Committee and the Executive is carried on via e-mail and telephone. However, as and when necessary, the Committee does meet in person, and has done so on several occasions over the period of this report (June 2009 to November 2011). On occasion, the Committee has also met with representatives of outside bodies, though, by and large, such meetings have been held at Executive, rather than Committee level. For example the Committee recently met with City Councillors whose portfolio responsibilities are relevant to the NAG's work (e.g. Housing, Planning, Community), while examples of meetings at Executive level include a meeting with Nottingham University's Pro-Vice-Chancellor with responsibility for community affairs in February 2010 to prepare the ground for a NAG open meeting with representatives from both universities; a meeting in August 2011 with City Council Housing officers in advance of the NAG's submission to the Nottingham City Housing Strategy consultation; and a meeting with representatives from Nottingham Trent University scheduled for January 2012.

Meetings

The Group has continued to hold regular meetings. As you will see from the list below, the majority of them have been open to everyone. However, from time to time it has been felt appropriate to hold meetings for NAG

members only in order to facilitate free and frank discussion on a variety of issues.

- February 2010:** Open meeting with Parliamentary candidates
- March 2010:** Open meeting with Nottingham University & Nottingham Trent University
- April 2010:** Open Joint Unipol-NAG (U-NAG) meeting
- May 2010:** Open meeting with City Council officers from the Neighbourhood Services Team
- June 2010:** Open meeting with City Council officers from the HMO & Environmental Services team
- July 2010:** Open meeting on HMOs and Planning Legislation with City Council Planning officers
- September 2010:** Open meeting with Nottingham University representatives
- October 2010:** NAG Executive meeting
- November 2010:** Open meeting with City Council enforcement officers
- December 2010:** Members & guests Christmas 'Bring and Share' meeting
- January 2011:** Open meeting with Dr. Darren Smith
- February 2011:** Open meeting on control of letting boards
- March 2011:** NAG Executive meeting
- April 2011:** Closed NAG members meeting
- May 2011:** Open Joint Unipol-NAG (U-NAG) meeting
- June 2011:** NAG Executive meeting
- August 2011:** NAG Executive meeting
- September 2011:** Open Joint Unipol-NAG (U-NAG) meeting
- October 2011:** Open meeting with City Council Planning officers
- November 2011:** Closed NAG Business meeting
- December 2011:** Members & guests Christmas 'Bring and Share' meeting

This pattern is set to continue in 2012 with meetings planned for:

- January 2012:** NAG Executive meeting with Nottingham Trent representatives
- February 2012:** Open meeting with City Council enforcement team officers
- April 2012:** Open Joint Unipol-NAG (U-NAG) meeting
- May or June 2012:** Open meeting with City Council Planning officers.

In addition, NAG members have continued to take part in meetings, formal (e.g. Nottingham City Council's Student Co-ordination & Delivery Group) and informal (e.g. with Councillors and Council officers from a variety of different sections of Nottingham City Council, Nottingham Trent University representatives, representatives from the students' unions of both universities, Unipol officers).

Consultations

The NAG submitted comments to a number of consultations in the period 2009-2011, the most significant ones being:

- July 2009:** Submission to Central Government's national consultation on proposed changes to the planning system.
- August 2009:** Submission to Nottingham City Council: comments on the Core Strategy
- April 2010:** Submission to Nottingham City Council: comments on the Core Strategy Option
- July 2010:** Submission to Central Government: revised proposals for changes to the planning system
- April 2011:** Submission to Nottingham City Council: comments on the proposed Article 4 Direction
- April 2011:** Submission to Nottingham City Council: comments on proposals to control letting boards
- August 2011:** Submission to Central Government: comments on Nottingham City Council application for Regulation 7 Direction to control letting boards
- October 2011:** Submission to Nottingham City Council: comments on proposed new Housing Strategy
- November 2011:** Submission to Nottingham City Council: comments on the Land and Planning Policies (LAPP) DPD Issues and Options consultation

Communication

E-mail is the main method of communication between members of the Committee and the Executive, and with members of the National HMO Lobby, local MPs, Nottingham City Council Councillors and Council officers, representatives from the two universities and the students' unions. However, a substantial number of the Group's members cannot be contacted in this way. So, the membership as a whole continues to receive regular letters about forthcoming meetings and information about local and national developments connected to HMOs, for example consultations and how they can make their personal views known, as well as other matters of general interest that may be useful for them to be aware of.

The last issue of the Group's magazine was published in January 2010. The next issue has been delayed, largely because of an increasing amount of other NAG-related commitments which have eaten into the time available for collection of items, collation, editing and final formatting of the document prior to printing. However, the first part of the next issue is almost completed and it is hoped it will be ready to go to the printers before the end of this year. The second part still requires some up-dating, especially in view of recent developments such as the Article 4 Direction, and may not be ready for publication until early in 2012. The format of the last issue was a departure from that of previous issues, but seems to have been favourably received by most readers.

The NAG website is somewhat dated in appearance and content. A revamp has started and, provided sufficient resources (i.e. time and effort) are available, it should be fully up-to-date in early 2012. However, even in its present state it continues to bring in enquiries from people living in Nottingham and elsewhere in the country who are experiencing problems with HMOs, as well as enquiries from students at Nottingham's two universities and elsewhere seeking information and interviews as part of their degree course work. The website also provides the Group with a non-confidential/private e-mail address.

Statement of Accounts

The Group's accounts for the period 1 January 2009 to 31 December 2010 have been examined. They are available for inspection provided 21 days notice is given to the Treasurer and/or the Chair. Inspection of the current year's accounts (January 2011 to 23 November 2011) is also possible, again with the 21 days notice to the Treasurer and/or Chair.

The current balance of the account is £2774.91, of which £2473.61 is Nottingham City Council funding and £301.30 is funds obtained from donations, raffles, etc. Excluding the cost of printing and distribution of the magazine, the major cost continues to be printing and mailing of letters and other information, along with room hire.

Costs associated with the provision at meetings of light refreshments, cakes, biscuits, etc. have been borne by individual members, as have been any costs associated with travel to attend meetings. No payments have been made to cover the cost of day-to-day internet provision, and management of the Group's finances has concentrated on 'good housekeeping'.

The Committee will need to seek new funding as a matter of urgency if the Group's work is to continue. Funding for the voluntary sector is now under considerable pressure and it is possible that future funding will be restricted, or indeed will not become available. The Group must be prepared for these eventualities.

National HMO Lobby

Although the main thrust of the NAG's work is now focused on local (Nottingham) issues, the Group continues to be part of the National HMO Lobby, receiving information from other, similar organizations in the Lobby and, whenever appropriate, sharing this with relevant Ward Councillors and Council officers. Information from Nottingham is also shared with the Lobby. In fact the Lobby continues to be an important resource for the NAG and for other similar groups in towns and cities across the country.

Future Work

NATIONAL: The NAG will continue to liaise with other National HMO Lobby members, share information, and provide support and advice whenever called upon to do so.

NOTTINGHAM: The Committee would like to welcome Mark Simmonds, who was appointed by Nottingham Trent University earlier this year as its first Community Liaison Officer. This is a positive and much needed development.

The Group continues to develop a useful working relationship with Nottingham Trent University, as evidenced by the meeting of the Executive with Nottingham Trent representatives in November 2010, and the one due to take place in January next year. However, it has failed to re-establish the progressive relationship it had until two or three years ago with Nottingham University.

As and when circumstances have allowed, the Group has worked with individual students and with the students' unions to improve the quality and management of student accommodation. It has to be added that relationships with

the students' unions have been very much strained by the Article 4 Direction and the debate around it.

It is to be hoped that, having established a formal association with Unipol (U-NAG), this relationship will continue to be mutually beneficial, though a good deal of development work is needed if it is to achieve its full potential.

Special reference should be made to the degree to which the Group and Unipol have worked together in setting up the voluntary code of practice for letting boards, in monitoring it, and, latterly, in moving forward to a code that can be legally enforced by the City Council.

The City Council is continuing to restructure its departments. Unfortunately, this process has had a detrimental impact on the way in which the NAG has been able to continue to work with the Student Strategy Manager in particular, and also with other officers in Environmental Services, Waste Management, Neighbourhood Services and City Services.

Officers whom the NAG had come to respect and to work closely with have left, and this has meant that effort is having to be directed towards establishing new working relationships.

This is not always proving to be very easy. Often the changes have also meant that what the NAG is, who it represents, and what it does have had to be explained again and again to new contacts.

The future of the Student Strategy Manager post is unclear at this time. As the only such post in the country, it was an innovative appointment, supported by the NAG, which reflected the City's often equally innovative approaches to tackling issues related to HMOs.

It would be a backward step indeed if this valuable post was to be allowed to lapse, or was not used to its full potential.

NEIGHBOURHOOD: The last report in June 2009 concluded that *'Improvements in the environments of our neighbourhoods have occurred, but they are patchy, sporadic and inconsistent. They are expensive in terms of manpower and finances, and we continue to be faced with a declining permanent resident population.'*

The same comments are still pertinent. Although new members continue to join and our mailing lists remain surprisingly buoyant, it is a sad fact that there is a steady haemorrhage of familiar names and faces at meetings as people leave to live elsewhere, become dispirited and disillusioned and decide to 'put up with things', or, even more sadly, die.

However, the Group continues to bring together residents from different parts of Nottingham.

It continues to focus the attention of the Council, the universities, students' unions and landlords on the issues that are important to our members.

It continues to provide a forum where everyone: residents, Councillors, Council officers, university representatives, representatives from the students' unions, students, owner-occupiers, tenants ... can, if they wish, meet, discuss issues and actions, and share and exchange information and ideas.

When planning applications or planning appeals have come within the overall remit of the NAG, support has been given to residents and councillors. On a number of

occasions the Committee has written in a formal capacity to oppose these applications and appeals

Through its meetings, it continues to support 'neighbourhood spirit' by fostering links between residents in different parts of our neighbourhoods, as evidenced by the successful 'Bring and Share' Evening last Christmas. Another 'Bring and Share' Evening is scheduled to take place on Wednesday, 7 December 2011.

If at all possible, it is hoped that a similar event, or events, can take place in 2012.

With confirmation of the Article 4 Direction on HMOs, it is to be expected that a good deal of effort in 2012 will centre around how the Direction is going to be used, and its impact on individual residents as well as neighbourhoods.

OUR NEIGHBOURHOODS: A VISION FOR THE FUTURE

The student population of the city is a driver, though not the only one, behind the conversion of traditional housing, previously occupied by families, into HMOs: a significant contribution to the increasing imbalance and loss of social capital in so many of our neighbourhoods.

The extent to which this change has continued is illustrated by data showing that in the period 2006/2007 to 2010/2011 the number of students seeking accommodation in the city increased from 33,9767 to 40,615, whilst the number of purpose-built bed spaces only rose from 13,882 to 15,218, leading to an additional demand of 5,312 bed spaces in private rented flats or houses.

However, as intimated, students are by no means the only demographic or socio-economic group driving the creation of HMOs (shared houses), and their impact on the housing market should not be looked at in isolation.

The HMO market is already a source of accommodation for a variety of different groups, e.g. so-called 'young' professionals (graduate and non-graduate), migrant workers, asylum seekers.

It can only be supposed (and projections support this) that proposed changes in housing benefit legislation, high property prices and difficulties in obtaining mortgages (which mean that more and more young people find themselves unable to get a foot on the housing ladder until at least their mid-thirties) will increase the demand for rented accommodation, HMOs in particular.

Neither should it be assumed that in Nottingham, where we have two very successful universities, increases in tuition fees will result in reduced student intake, and reduced demand for off-campus homes.

Of late, there has been a developing trend for some landlords and agents to talk about 'professionals', 'medics' and 'nurses' living in HMOs and to intimate that somehow the issues around HMOs are confined to those properties occupied by student. Because of the similarities in profile, especially demographic, and the short-term nature of the tenancies, though very different in some ways from student tenants and the student market, HMOs catering for these groups can (and local experience supports this) and do have a similar impact on the neighbourhoods around them.

Therefore, planning and housing policies concerning HMOs should be focused on HMOs as a form of tenure, regardless of the nature of the occupants.

The NAG Committee and Executive had already begun to explore this aspect of HMO control with Councillors, Council officers and NAGgers in 2010 when the changes in national planning legislation first came into effect. Of course, this was put on hold when the legislation changed again, and during the period until now when it was by no means certain that Nottingham City Council would indeed adopt the Direction.

However, the effort put in then has not been wasted. It will provide a useful starting point for what are likely to be complex and sensitive discussions with difficult decisions to be made at the end of them.

**[Committee of the Nottingham Action Group on HMOs
Tuesday, 22 November 2011]**

The consultation stage of Nottingham's draft housing strategy (the Housing Nottingham Plan) highlighted the importance of ensuring that the Council (as the authority with direct responsibility for housing and planning) delivers housing choices to a range of different groups. This is a laudable ambition and not one that the NAG would want to challenge.

Indeed a good part of the NAG's effort in responding to the Council's consultations on housing and planning matters has been directed towards suggesting ways in which these ambitions can be achieved through appropriate utilization of existing housing, which may include, in addition to newly-built housing:

- return to family use of HMOs,
- adapting existing residential housing which is not likely to meet the requirements of modern families to provide a choice of accommodation for individuals or groups not necessarily seeking family-type housing,
- adapting and recommissioning unwanted commercial and industrial buildings to provide cluster flats and/or apartments.

However, there is a challenge which needs to be made here on behalf of the residents in our neighbourhoods who, by and large, feel that their choices are increasingly less important than those of the owners and users of HMOs, and that the impact that HMOs have on the balance and vitality of the neighbourhoods in which they live is increasingly excluding them and their families from enjoying the very things that made them choose to live where they do.

No doubt the reasons they chose to live in these neighbourhoods are many and varied, but there is a common thread that runs through all of them, encapsulated in their own words in back issues of the magazine. Some of these are re-printed here:

- *'... a pleasant place to live';*
- *'... a beautiful, leafy quiet neighbourhood so near the city centre';*
- *'... a pleasant, tree-lined road ... with multi-racial and multi-aged family units with all the usual amenities and facilities in place';*
- *'What we really wanted was a house we could call home, not too far out of the city and within our limited budget';*
- *'... we had been searching for a traditional, well-built family house. It was wonderful when we secured our property in what, then, was a residential oasis. A good place to live';*

●‘The surrounding properties were all family dwellings. Some of the families had children of much the same age as our own. Friendships formed very quickly and it was indeed very enjoyable to live here’;

●‘There was a strong feeling of community and the neighbourhood had a pleasant ambience’;

●‘Properties were well maintained, gardens well cared for and well stocked and it felt good to be living here’;

●‘She always had time for a gossip over the hedge or a cup of tea ... her beautiful garden meant everything to her and was always kept immaculate. The same applied to the couple on the other side of me – quiet people, very private, but with a deep love of their garden’;

●‘... this neighbourhood has traditionally attracted professional people working in the city. Although it is close to main roads, our cul-de-sac has a quiet, residential setting’;

●‘This area was once very pleasant, suitable for small families, children and disabled people’;

●‘I am told that [this] was once an area full of residents who looked out for each other. The ones that remain or who have recently moved out have given me a taste of that’.

[Based on extracts from NAG submissions made in 2011 to consultations on Nottingham’s Housing Strategy 2012-2015 & the LAPP DPD]

DUBROVNIK NEIGHBOURHOOD PERSPECTIVES



The Old Harbour, Dubrovnik, Croatia, October 2011: Photograph courtesy of & ©J.R. Fletcher

THE LETTING BOARD JUNGLE

*‘Don’t buy the house.
Buy the neighbourhood.’*

[Old Russian Proverb]

Note: Editing an issue of this magazine is rather like fitting together the pieces of a jigsaw, and can be equally frustrating. Some items drop into place without any real effort. With others it takes a little more time to work out where they belong. ‘The Letting Board Jungle’ is one such. But, after much dithering, I finally decided that, although Unipol had taken the lead in drafting the original voluntary code; had collated the evidence; and had commissioned the final report, this update belongs under the

'Neighbourhood Perspectives' banner. After all, if this (to date unique) collaboration between council, universities, students' unions, Unipol and the NAG isn't about our neighbourhoods, then what is it about?

However, it's not with any of the 'insiders' that I start, but rather with an 'outsider's' view: a letter published in the *Nottingham Post* in which the author commented on the number of letting boards he had observed in Lenton and other areas with concentrations of HMOs. It is reproduced here alongside a response sent to the *Post* on behalf of the NAG.

IS IT LENTON OR TO-LET ON?

On Thursday, January 13, I had a walk through several streets of Radford and Lenton and I was amazed and disappointed by the vast number of "To Let to Students" signs outside houses.

Some roads of maybe 100 houses had as many as 20 signs up.

My reaction is that Lenton should be more accurately renamed as To-Let-on.

In the *Post* there was an article where the city council said they were open for business on empty homes and there was central Government funding which could be applied for to prevent neighbourhoods being blighted from excessive empty houses ("City 'open for business' on homes", *Post*, January 14).

Let us hope all responsible bodies for housing in Lenton work together in future to provide rental accommodation for a wider group than just students, who obviously do not want, or are unable to rent rooms.

Government money may be available to help this process and student letting businesses can at least get rental income and there could be fewer people on council house waiting lists.

Please stop Lenton becoming "To Let on".

**[George Reynolds, Brookland Drive, Chilwell,
Nottingham Post, Friday, 21 January 2011]**

LETTING BOARDS ENHANCE LENTON

My thanks to Mr. Reynolds for his comments about the letting boards currently 'enhancing' neighbourhoods in Lenton and elsewhere with HMOs (houses in multiple occupation) to rent to students.

However, the link he makes with empty homes and council house waiting lists is erroneous. These properties are neither empty nor unwanted. They are amongst the most expensive (per rentable space) and sought after houses in the City and will not become vacant until their present student tenants move out, most likely in July.

In fact, it's probably only three months since these tenants first moved in. What Mr. Reynolds has observed is the feeding frenzy generated by businesses vying with one another to sign up next October's new student tenants.

Recent research shows the majority of Nottingham's students use the internet to find their accommodation. So, the companies involved are simply using letting boards as a cheap way of promoting their businesses rather than the properties themselves.

These eyesores degrade our streets and send out all the wrong messages. They discourage families from living in our neighbourhoods, encourage criminals who see student houses as soft and lucrative targets, and give students little sense of belonging to the neighbourhood or to Nottingham.

This is why so many local people, students included, are calling for changes to local planning regulations which have already resolved this problem in places like Leeds and Loughborough.

Permission to enact the same changes here would herald the end of Nottingham's forest of letting boards and the blight they inflict.

I live in Lenton and anything that would encourage families to rent or to buy homes here and other areas with similar problems would be most welcome.

I can assure Mr. Reynolds that responsible bodies are working on this. But, as long as landlords demand high rents and students continue to be willing to pay them, it's going to be a long and uphill struggle to achieve this goal.

**[Nottingham Action Group on HMOs,
Lenton, Nottingham, Nottingham Post,
Saturday 5 February 2011]**

OPEN MEETING ON CONTROL OF 'TO LET' BOARDS

I've already alluded to the fact that the campaign to control letting boards is one of those sadly too infrequent instances when there is almost total unanimity between the different 'partners'. It is supported by local MPs, Ward Councillors, student representatives, the two universities, Unipol and established residents.

To recap: in 2008 Unipol responded to requests from residents, the Council, the two universities and students and the students' unions to undertake a voluntary scheme to control the use of letting boards.

After full public consultation (which included landlords and agents), a voluntary scheme designed to control the impact of lettings boards on neighbourhoods and their influence on when students begin house hunting came into effect on the 1 July 2009.

Full details of the scheme were published in a previous issue of this magazine [Spring 2009, pp5-8], but as it is quite some time since then, a brief summary of the salient points may be useful before going on to try and answer the question:

Where do we go from here?

The Problem

To Let boards are:

- continuing to increase in usage
- getting larger
- used mainly to market managing agents and their 'brand' rather than individual properties
- up all year
- unsightly
- create an air of transience in the area
- deter owner occupation
- label rental properties for thieves
- damage properties and landscaping

The Voluntary Code

The voluntary code for control of letting boards, jointly sponsored by Unipol, Nottingham City Council and the NAG built on experience gained in similar circumstances in Leeds and elsewhere and sought to:

- Restrict the size and layout of any boards to 34 cm by 48 cm with a white background
- Allow text and logos provided non-fluorescent colours were used
- Permit one logo on each board, limited in size to no more than one-third of the overall size of the board
- Limit the number of letting boards to one per property.
- Ensure that letting boards were fixed flat to the building
- Ensure that boards were removed within 14 days of letting
- Ensure no boards were to be displayed between 1 October and 31 December

As those NAG members who took part will know, from then until April 2010 compliance with the scheme, and with a similar one brought out subsequently by EMPO (East Midlands Property Owners) was extensively monitored

The monitoring data was collated by Unipol's Nottingham office. Unipol then commissioned an independent consultant to analyze it and prepare a report. This was published in August 2010.

Not unexpectedly, it concluded that both schemes had failed, and also that there was strong support for pursuing the introduction of a statutory scheme.

That support for a statutory scheme is as strong as ever was amply exhibited at the NAG open meeting held on Wednesday, 23 February 2011 where residents, Ward Councillors, Council officers, a representative from Nottingham Trent University, Nottingham University's Students' Union Community and Accommodation officer and the MP for the Nottingham South constituency all spoke about the need to implement statutory controls on the use of letting boards.

Here's what Teddy Smith (Nottingham University Students' Union Community & Accommodation officer, 2010-2011) wrote on the subject.

Letting Boards – Why They Matter

In these days of mobile technology (when seemingly your every wish is but the push of a button away), it seems strange that when it comes to student accommodation many landlords still think the best way to contact net savvy students is to stick a board outside their house. Sure, if you opt to search your next property online you potentially miss the novelty of tramping round Nottingham streets in the middle of winter. But there are other reasons why students should be wary of using letting boards to lead their search for accommodation ...

Areas with high numbers of student properties have, in the past, been notorious for their high crime levels, none more so than Lenton. In the past few years, thanks to the work of both universities, students' unions, the police and

the city council, crime figures have gone down. Burglary though, still remains a problem and one contributory factor is letting boards. As well as advertising houses to students, the boards also provide an easy way for burglars to identify, without even walking down a street, which properties are likely to be home to a ready supply of laptops, iPods and BlackBerries.

The boards also do little to enhance areas visually. Designed to stand out from the competition these colourful boards can make an otherwise pleasant street look quite shabby. Not great if you are a student living in Nottingham through term time, but even worse if you are a permanent resident.

The University of Nottingham's Students' Union is currently working with the two universities, local residents and Unipol in support of a Council led scheme that will effectively control the use of letting boards. The scheme will require all boards in designated areas to be taken down during the first few months of the academic year when many students are living for the first time in their own houses and aren't as security conscious as more 'experienced' students. It will also require boards to be flush fitting against the property and limit their size. Hopefully the introduction of such a scheme will show that students also care about the environment they live in and will help make Nottingham a safer and happier place to live for both students and permanent residents alike.

[Teddy Smith, Nottingham University Students' Union, Article in *Housing*, Unipol Tabloid, April 2011]

Arguments for a Statutory Scheme

Letting boards are subject to deemed consent, i.e. they do not need planning permission. They fall within Class 3A: the display of boards advertising that the residential land or premises on which they are fixed is for sale or to let. However, they are subject to certain restrictions, e.g.

- A single board or two joined boards may be displayed
- The board must refer to the availability of the property to which it is attached
- It must be no more than 0.5 m² in area (0.6 m² if two linked boards are used)
- The advert must be removed within 14 days of the tenancy starting
- It may not project more than 1 m from the building to which it is fixed
- Illumination is not permitted

Paradoxically, one of the strong arguments for a statutory scheme to control letting boards is the failure on the part of landlords and agents to comply with current regulations, and by the planners to enforce them.

In defence of the latter, it has to be said that enforcement is time consuming and difficult. For example, how can a planning officer know when a tenancy has been agreed and formalized and, therefore, when the 14-day period of grace before the To Let sign is required to be removed is at an end?

Another supporting argument, as has been hinted at by Teddy Smith, is borne out by research done in November 2008 by Nottingham University's Survey Unit.

The research concluded that an average of only 3% of students saw To Let boards as being an important

source of information when looking for accommodation (1% of first year students, 5% of second year students, 3% of final year students).

So, it is relatively safe to conclude that removing the automatic right to display To Let boards is unlikely to materially affect the ability of landlords and agents to find tenants and continue to operate their legitimate businesses.

A third argument is that the Leeds City Council scheme, on which the Nottingham one is closely based, has been in place for some time now and has been very successfully implemented.

‘Where Do We Go From Here?’

To take things further, Nottingham City Council needs to make an application to the Secretary of State to make a statutory Regulation 7 Direction removing deemed consent from To Let boards. PPG 19 (the Planning Policy Guidance on advertisement control) sets out the requirements of such an application.

Amongst other things, the application must show that the ‘deemed consent’ provisions are environmentally unsatisfactory in the area in which it is proposed to control To Let boards, and needs to deal with:

- the adverse effects on visual amenity;
- describe the remedial steps already taken to minimize these effects;
- give details of prosecutions for any illegal displays;
- assess the likely consequences of making the direction.

After February’s NAG meeting, the relevant officers in the Council’s Planning Services were given a full briefing as to how to prepare and take forward a submission.

Although some additional work remained to be done (including supporting statements from interested parties like the students’ unions, the universities and, of course, the NAG), the intention was that the submission would go to the Secretary of State for Communities & Local Government before the end of April 2011.

LETTING BOARDS: AN UP-DATE

As with so many other things, the intention and the reality did not quite match up.

In fact there was a good deal more procedure

(including local – Nottingham – consultations) which had to be gone through before, on the 29 July 2011, the Council was able to make a submission to the Secretary of State for a Direction to enable it to control letting boards. This triggered yet another consultation, carried out by CLG. And this was followed by a consultation by the Council on the details of the code of practice it intends to use when/if permission is given by CLG.

A Planning Inspector has now visited Nottingham, and it is his report which will be what the Secretary of State uses when making the decision on whether to grant the Direction – or not. When it was last up-dated on the 23 December 2011, the section of the Nottingham City Council website devoted to the control of letting boards in Nottingham said: *‘Nottingham City Council is awaiting a decision from the Secretary of State for Communities and Local Government (CLG) to grant a direction to help control the appearance of letting boards on residential properties in certain areas of the City.’* Pending that decision, the Council’s planners are continuing to monitor the state of play with letting boards, making sure that additional information is not lost and will be available if and when needed.

Editor’s Acknowledgement

For the February NAG meeting, Martin Blakey of Unipol Student Homes put together a comprehensive review of the issues. I happily acknowledge that his summary has been used as my guide in the preparation of this progress report for the magazine. Also, the photographs came from the same source.

And my thanks to Martin and to Jamie Woolley (Manager Unipol Nottingham) and Unipol colleagues on behalf of the supporting ‘partners’ for the time and effort they have spent on the project. Many thanks also to Jo Briggs (Nottingham City Council’s Community Planner) who, in taking on the task of preparing the final submission to CLG, found herself on one of those proverbial rapid learning curves – but got there!

Finally, and yet again, my thanks and that of the NAG Committee and Executive to those members who volunteered to monitor in their own, and other, neighbourhoods. Your help and support were invaluable.

Should we be fortunate to get a statutory scheme up and running in Nottingham, it may well be crucial for the successful implementation and enforcement of that scheme.

STOP PRESS

An e-mail has come from Jo Briggs (24 February 2012) to say that the Secretary of State has agreed to the control of letting boards in around 90% of the proposed area. In addition to an area largely dominated by the Arboretum Park and the Nottingham High School sites, the exceptions are the Wollaton Park/Wollaton Park Estate area, and the Derby Road-QMC and Hillside neighbourhood.

In these neighbourhoods the Secretary of State believes that ‘To Let’ boards are nothing more than incidental elements in the street scene with little or no material impact on the local visual amenity. To put it diplomatically, this is a disappointing result for residents living in the areas excluded by the Secretary of State, but it’s not the end: there are other avenues to explore. So don’t give up if you’re one of those residents.

It is anticipated that the scheme will be operational in April 2012.

For now, I can think of nothing more appropriate than to finish with a quote from Jo’s e-mail: *‘This is a clear testament of residents’, NAG’s and Unipol’s persistence to do something about the real problem of letting boards in this part of the city. The voluntary code and the immense amount of work which went into it would have been pivotal to DCLG’s decision.’*

TACKLING NEIGHBOURHOOD EYESORES

Note: Depending on which side of the hedge happens to be yours, legislation is either a help, or a hindrance, in getting a problem solved. Hopefully, this article goes some way towards explaining the context in which enforcement happens, or not, as the case may be. And, if/when it doesn't, we understand whether we've got good reason to ask why not?

ENFORCEMENT ACTION IN RESPECT OF UNTIDY GARDENS & OTHER ISSUES AFFECTING VISUAL AMENITY

regularly report to the City Council concerns regarding accumulations of waste in gardens or other issues concerning the visual impact of neighbouring properties.

In attempting to remedy such matters the Council's Community Protection service generally works to a five stage model of enforcement.

Basically, this means that if there is a problem Community Protection Officers will, in the first instance, make a polite request to the property owner to remedy the situation. If this is not successful it will be followed up by a more formal request, usually contained in a warning letter.

If this does not succeed, Community Protection's Environmental Crime team will look to take more formal enforcement action, and there are a variety of legislative provisions upon which such action can be based, dependant on the exact nature of the problem itself.

For waste accumulations the Council quite often uses Section 4 of the Prevention of Damage by Pests Act – which is available when the nature of the waste is such that it could attract or harbour vermin.

The Council also commonly uses Section 215 of the Town and Country Planning Act for matters affecting the visual amenity of the neighbourhood and various provisions contained within the Environmental Protection Act.

Whichever legislative route the Council chooses to use, the processes to be followed, and the remedies available, are often quite similar.

The Council is usually required to serve a formal notice on the owner and/or the occupier of the property in question. This notice will give the recipient a defined period to resolve the matter. This period is often statutorily prescribed, at least in part.

For example, notices served under Section 215 of the Town and Country Planning Act do not take effect until four weeks after they have been served, and the Council then has to give a reasonable period of time after that four week period for the remedial work to be done.

Recipients of notices generally have the right of appeal to the Magistrates on a variety of grounds i.e. that the issue isn't actually detrimental to the amenity, what they are being asked to do is unreasonable or more than is required to remedy the problem, or the time that they have been given is too short.

If recipients do not appeal and do not comply with the notice they generally commit an offence for which they can be prosecuted.

However, the more practical remedy available is that following expiry of the statutory notice the Council is then entitled to carry out the remedial work itself and recover its costs.

This is not necessarily straightforward, as in some cases a court order may be necessary in order to gain access to the property to carry out such work

Experience shows that each stage of the enforcement model will be effective in solving a proportion of the issues. Some owners will respond to the initial polite request, some to the warning letter and some to the statutory notice. Approximately three quarters of statutory notices are actually complied with by the recipients without the need for further action.

However, as can be appreciated the process is such that there can be a considerable time lag between an issue being reported to the Council and the Council actually being in a position to remedy the matter should the owner/occupier not co-operate.

The Council appreciates that such delays can be a source of frustration for residents but unfortunately they are unavoidable.

Whilst the Council endeavours to keep complainants informed of progress on matters that they have reported, residents wanting an update on issues that they have reported should feel free to contact:

**Steve Stott, Operations Manager – Central,
Community Protection, Nottingham City Council**

Tel: 101 Extension 8015096,

Mobile: 07943-824573,

E-Mail:

stephen.stott6852@nottinghamshire.pnn.police.uk

It is also worth noting that where the property is a licensed house in multiple occupation (HMO) then there are conditions present within the licence that can be enforceable on the licence holder that cover untidy gardens / issues affecting visual amenity.

These conditions include:

- Ensuring that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
- Ensuring that gardens, yards, paths and drives are maintained such that their condition does not adversely affect the amenity of the neighbourhood.
- Ensuring suitable and adequate provision for refuse storage and disposal is made.

The HMO team would also be able to take action against the licence holder, particularly if there is persistent offending and breaches of the licence conditions.

[Steve Stott, Nottingham City Council, 19 September 2010]

A STUDENT'S PERSPECTIVE

It's the summer term for us Nottingham students and that means exams and hours of revision whilst holed-up in the library or in our own rooms.

The thing about my room is I could probably punch clean through the partition wall which separates it from my adjacent housemate's, but I settle instead for the occasional conversation through the plasterboard.

I, of course, live in an HMO, along with six other students, and my cozy living arrangements are certainly not unusual. It sometimes gets forgotten amidst all the external problems HMOs bring to communities that they're not always that much fun to live in either.

For example, my current situation is nowhere near as bad as a friend who found himself living in a converted garage in his second year. For £60 a week he had no window, no central heating and a single bed whose head was wedged underneath the staircase. As a 2009 article from the *Nottingham Evening Post* – included in the Midwinter 2009-2010 NAG magazine [p.20] – about another student who was similarly garage-bound would suggest, such cases are not unheard of.

None of this is to belittle the issues that surround HMOs, particularly where students are concerned, from poor upkeep and rubbish disposal to low-level but persistent anti-social behaviour, and the opportunistic crime they can attract.

However, as NAG members will understand, the blame does not rest solely with students, but with a combination of unscrupulous landlords, a poorly regulated market, and an ingrained culture of student living which has developed around HMOs, especially in areas like Lenton.

More purpose-built off-campus student accommodation, like the Riverside Point development off Derby Road, might help to change this culture if they could offer secure, well-kept and affordable alternatives to shared private housing. Such arrangements tend to be more expensive, however, and (despite lacking the paper-thin walls and other such 'eccentricities' which are a given in standard digs) offer a lifestyle which students find less desirable, and which hardly encourages their integration into the community in the way that living next door to a local resident does, even though many students simply find themselves next to other undergrads these days.

It wasn't so long ago when students used to lodge with the locals in relationships which both parties often remember fondly. Those days are gone, however, as the two universities have expanded, profit-seeking landlords have proliferated and student expectations of their accommodation have changed.

This seemingly strange desire to have the option of living in a rickety house with a group of mates surrounded by similar such dwellings, whilst being charged a small fortune for what you actually get, clearly remains strong as evidenced by the Nottingham University Students Union's emphatic rejection of the council's mooted Article 4 Direction which would require planning permission for any single dwelling to be made into an HMO or vice versa.

In fact the proposal seems sensible enough if used properly and considering that it will not reverse any previous conversions from amongst an already over-large HMO supply. The laws of the market have allowed students to live where they like for some time now, and perhaps it's time to give legislation a try.

Whatever happens to the Article 4 now that the consultation period has passed however, it can't change the fact that students will continue to want to cluster in certain areas of Nottingham for the foreseeable future, and local landlords will continue to want to profit from this; NAG members may not like to hear that enquiries about applying for the University of Nottingham for 2012 entry, are up nearly 50% on last year.

Nor will it alter the reality that students simply aren't like other groups of residents; they're heavily subsidized by their parents and the Treasury, and have no investment in their houses or the communities which they live in beyond their student years. The galling thing is that those who do cause trouble will probably grow up and become model neighbours one day, just not where any NAG members will appreciate it!

Ultimately the mutual distrust between Nottingham University, its students and NAG must thaw, more purpose-built off campus accommodation must be looked at, and the Unipol Code more rigorously enforced.

Apart from these long-term remedies, however, there are more tangible and immediate ones. If a bunch of rowdies do move in next door then introduce yourself, try the softly-softly approach before going in with all guns blazing when the next party starts.

I live next door to a takeaway and a newsagents and things have worked-out well in this regard, as we've got on first name terms and built trust and understanding from early on. Admittedly these aren't homes with local families living in them, but the principle still applies as we also rent our house from the owner of the takeaway who tends to be around quite a lot, keeping us all on our toes cleaning-wise. Best of all though, give them food. Now that will command absolute fealty!

[Tim MacFarlan, 2 May, 2011]

Editor's Note: Well, now you know! I first spoke with Tim in March last year. He wanted to write an article on 'studentification' for *Impact*, the Nottingham University students' magazine, and we spent a while talking about the 'issues'. I then forgot about him: frankly it's not often that students come back to let you know how they've got on. However, some time later, Tim did. He hadn't written the article. *Impact* had already covered the material quite recently and weren't interested. I suggested he might like to write it in any case, let me have it, and I'd consider publishing it. We've stayed in touch since, and I was very happy for him when he told me he'd graduated with a First Class Honours Degree in American Studies. He's now at Cardiff University reading for a Masters Degree, learning shorthand as part of his journalism training, and living in Cathays, as he says the Cardiff equivalent of Lenton. Worse in some respects, he reckons: quite a bit of anti-social behaviour, litter, and of course 'to let' signs, plus neighbours who've been there for 40 years and just want to leave. The usual really!

NOTTINGHAM IN BLOOM: IT'S YOUR NEIGHBOURHOOD

Note: So far in this issue of the magazine I have tried, quite deliberately, to avoid illustrations of the environmental problems that HMOs bring, except when they form part of a wider picture. So, no photographs of over-full wheelie bins spilling out on to pavements; gardens with discarded furniture and mattresses and knee-high weeds; or posters advertising night clubs and special drinks offers. We've all seen too much of this side of our neighbourhoods, and it's a side that, much too often, defines them in the eyes of passers-by and visitors. Instead, I'm turning to some of the efforts by local people who are trying to give our neighbourhoods a different public face. All are connected in one way or another to the City Council's Neighbourhood in Bloom initiative.

Forty-seven Nottingham groups participated in the Royal Horticultural Society's Britain in Bloom 'It's Your Neighbourhood' awards in 2011, and reports by the judges on the projects were presented to the relevant Area Committees towards the end of last year. Here is an assortment of these for groups in Area 4 (Arboretum, Berridge and Radford & Park, wards) Area 7 (Wollaton West and Wollaton East & Lenton Abbey wards) and Area 7 (Bridge and Dunkirk & Lenton wards).

ALL SAINTS PEACE GARDEN

Community Participation: A small but active group have persuaded the church to allow it to develop part of a garden in the church grounds which are now designated a 'peace garden' providing a restful place, reflective for residents and church-goers alike, although the church at present restrict the group to this garden plot. Volunteers from a local company helped develop land at the garden entrance into a pleasant, large bed of mixed shrubs and flowers. The group have received grants and donations to get this project up and running.

Environmental Responsibility: The group has been very active in the creation of features for the garden using old wood for the fencing, gates and arbour feature. A lot of waste is recycled and the knowledge of horticulture is shared within the group. Very little antisocial behaviour happens in this area because the group have created a haven of tranquillity.

Gardening Achievement: There is a good range of flowers and some fruit provided in the ground and in pots and tubs. The idea of low planters makes the garden accessible to all.

Overall: The Peace Garden is a lovely tranquil place, which we immensely enjoyed visiting.

THE LENTON DRIVES

Community Participation: There is quite an alluring sense of calm when happening upon this lovely street. Bustle is kept to a minimum, neighbours go about their cheery way and Vida oversees it all with a sense of pride. It is however difficult to ascertain whether or not the front gardens are this way because the residents take a personal pride in their properties or whether it is so because of an intended effort to be cohesive as an entire street. Perhaps a larger welcoming group would have clarified the intent.

Environmental Responsibility: Due to the nature of the neighbourly residents, anti-social behaviour is scarce though factors such as composting and recycling were not entirely evident except perhaps on an individual basis in personal back gardens. Elements of the front gardens that were deemed to be less attractive were actually of quite significant value and should not be overlooked due to their wilder outlook, with a barrage of mosses and lichen thriving on beautiful stone walls.

Gardening Achievement: The street consists of 102 properties, nearly all of which have been catalogued to some extent by the entering property. There were some stunning individual properties that were a sight to behold,

particularly at No. 114 which was outstanding in its own right. Viewed alongside other neglected properties however lets it down considerably.

Overall Description: The entry is ambitious and that in itself makes it incredibly exciting. To achieve what Vida has set out to do on this scale is a testament to her resilience and makes other entrants that have fewer properties to present on smaller terrace style streets seem easy. For the project to continue, the focus needs to be shifted to rallying the street together. Plans for the future were to hold a meeting at a nearby café. Perhaps it would be a more tangible idea to stage an open house public meeting at one of the shining examples on the street to instil inspiration in others. It would be fantastic to see the project progress from here as schemes such as this are a rarity.

FRIENDS OF HAWTON SPINNEY

Community Participation: The Friends group came together in the middle of last summer after spending six years campaigning for change. Support from Nottingham City Council has been in evidence since then and has funded a noticeboard for the group to use. A big work day saw the planting of native bluebells and daffodils by the Friends group helped by students from Trent University, pupils from Bluecoat School and Nottingham City Council. The sub station was also screened with holly on this day. Future plans for the Spinney include the addition of bat boxes and possibly a wildflower meadow.

Environmental Responsibility: Bird boxes funded by Nottingham City Council and constructed by the Friends group were installed this year. Some, however, are not facing in the correct direction and this may need to be addressed when nesting season is over. Deadwood exists in sporadic places. Ideally it should be collated or added to in order to create an area for insects to thrive. The possible presence of badgers means maintenance is sensitive and consequently two full meadow cuts per year are carried out to minimise disturbance. An area has been left as long grasses, which is perfect for wildlife too. The acquisition of two bins is on the cards as littering is an ongoing problem that is regularly tackled by the Friends group.

Gardening Achievement: Sycamore trees are plentiful and sucker removal is a keen pastime of the friends group. The mature trees do cause some concern to residents but it is possible they date back to a time when the surrounding land was greener and wilder. For this

reason they should be cherished.

Overall Description: The future of the site is intriguing now with such a determined Friends group in existence. It is a delight to see such an active, positive group who clearly adore and care about the future of the Spinney. It is hoped that the completed badger survey and the

impending tree survey will allow the Spinney to develop in such a way that is harmonious for people and wildlife to co-exist.

[Extracts downloaded from Area Committee Meeting Agendas, Nottingham City Council Website: www.nottinghamcity.gov.uk].

AROUND THE QUEEN'S MEDICAL CENTRE & ITS NEIGHBOURHOOD

Nottingham University is justly proud of the number of awards won by its University Park campus. Anyone passing the North Entrance can't help but admire the planting there and the seasonal displays of flowers and shrubs: an asset to the neighbourhood.

What a contrast only a few yards away where the QMC's Derby Road entrance – concrete, tarmac and brick – if not quite an eyesore, can hardly be called an asset to the visual character of its neighbourhood!

For going on to 17 years now, ever since local residents successfully opposed plans by the QMC to build a commercial clinical waste incinerator on the QMC site, followed by a campaign that resulted in a more neighbourhood-friendly siting of the QMC combined heat and power plant, the QMC and residents, along with local councillors, council officers, university representatives, and the local police, have held regular open meetings as part of what is now called the QMC-Residents Forum. In fact, it was one of these meetings in November 2003 that directly led to many of the positive things that have taken place in our neighbourhoods, as well as to the formation of the NAG.

Over the years since these meetings began, the relationship between the QMC and its neighbours has had its ups and downs. However, communications haven't ever broken down and, around three years ago, they led to the start of a joint campaign to improve the appearance of the hospital's site, beginning with bulb planting on and around the mound in the middle of the Derby Road entrance in Autumn 2009.

The next stage followed on in June and July 2010. As the monthly 'NUH News' announced in July 2010:

'Blooming Marvellous!'

Staff at NUH got green fingered with local residents and colleagues from Nottingham City Council to mark support for Nottingham in Bloom.

Thanks to the generous donation of £5,000 from Nottingham University Hospitals Charity, NUH is this year backing the city's Nottingham in Bloom initiative. The City Council's Area Eight committee also put £1,000 towards the project.

Flowers and shrubs have been planted at the main entrance area of the Queen's Medical Centre campus.'

'Kick the Butt' Week at QMC

The Neighbourhood in Bloom judge who assessed the QMC's contribution in July 2010, although very complimentary about the work that had been done at that stage, also voiced what is probably the most

regularly made comment at QMC-Residents Forum meetings: the amount of litter and rubbish that tends to accumulate around the entrance area and in the underpass.

This, along with the gatherings of smokers, the clouds of cigarette smoke, and the detritus they leave behind (cigarette butts, old newspapers, drink cans, coffee cups, sweet and sandwich wrappers) all help to create an impression of utilitarian neglect, which flowers alone cannot dispel. Most certainly, it does nothing to help the appearance of what is arguably one of the finest approaches to the City, and nothing to support the pride in their neighbourhood of the people who actually live around and about the QMC's site.

The provision the QMC does or does not make for its staff, patients and visitors who want/need to smoke, or who just need somewhere to go and sit and talk outside of the building itself, is a matter of on-going debate.

However, the latest action by the QMC to try and address at least some of the problems with its 'Kick the Butt' week is surely welcome.

A QMC press release said:

A drive to stop patients and visitors from smoking outside the Queen's Medical Centre has been hailed as a success.

Kick the Butt Week was held from 16-20 January to raise awareness of the no smoking policy at Nottingham University Hospitals NHS Trust (NUH) – and offer stop smoking support.

During the week between 2.00 pm and 5.00 pm, volunteers and staff wearing high visibility clothing politely asked people to stop smoking or, if they wished to continue, to do so off hospital property.

This period is a peak visiting time and also a time when people choose to smoke outside of the hospital's main entrance. The volunteers were supported by Community Protection Officers who issued fixed penalty notices for littering, including the dropping of cigarette butts.

Also taking part were the City Council's Cleansing Team, Logistics' Special Duties Cleaning Team, New Leaf and Nottingham City Smoke-Free Homes Team.

... NUH is currently evaluating the week and considering ideas to keep the Kick the Butt momentum going. Nottinghamshire Community Protection Team has already committed to regular patrols of our sites and Nottingham City Council has committed to cleaning the council-owned areas near the subway at the QMC entrance on a weekly basis.

Planting for the Future

The 'Kick the Butt' week at QMC coincided with the latest planting on the site. Effort was concentrated in three areas: on the mound, the bank alongside the underpass, and the slope from the upper level down to A & E, and was very much about planting for the future: trees and shrubs (most of which are native species) and bulbs whose leaves, flowers, bark and berries as they

grow will create year-round colour and interest and, as an added benefit, will help local birds and other wildlife.

QMC staff, local residents and Dunkirk & Lenton Ward Councillors got together with landscaper gardeners Dave and Sam on a cold Monday morning to start the planting, and Wollaton East & Lenton Abbey Ward

Councillors, though unable to join in, sent their best wishes for the venture. Come spring, there should be something there for all to see, to lift spirits, and, hopefully, to engender a degree more respect for the QMC and its neighbourhood.

THE PARK RESIDENTS ASSOCIATION

HMOs: THE FEARS & THE FACTS

There's been much written about the detrimental impact of Houses in Multiple Occupation in The Park over the years, but like the perpetual debate about falling standards in education, whilst we all know it to be a fact, the hard part seems to be convincing enough people that it needs to be addressed (or is that still controversial?).

So, this is an attempt to move the debate forward by spelling out both the fears and the facts, together with what's currently being done, by ourselves, the NPEL and the police, and what you can do yourselves if you feel this isn't enough. - And if you happen to live in an HMO, hi! This might be about you.

WHY ALL THE FUSS?

Whether this issue has crossed your radar or not will depend on the level of disruption you have had to endure. If you were to read about some of the extreme cases and imagine yourself living next door, I can assure you no one would be prepared to tolerate this for more than a few nights.

Now we have to be careful here because the term HMO is already being used to mean something else. What we're really talking about is not houses in multiple occupation per se, of which there are many in The Park, but the ones which are inhabited by (mostly) students and sometimes young professionals. And then we have to be careful again, because not all students and young professionals live an 'HMO way of life'. For that matter, it's not only (some) students and young professionals who suffer from an under-developed social awareness, but we're talking in general terms here and dealing with the majority of cases that are brought to our attention. And that's mostly students living in HMOs.

There are basically two options open to us: Improving the behaviour of the tenants and limiting the spread of the HMOs, and we need to be doing both. But before we can do either of these things effectively, we need to gather some information and be clear on our facts

WHAT'S THE DEFINITION OF AN HMO?

HMOs come in a variety of forms, which from a planning perspective have to be dealt with differently. It's typically complicated, but basically, an HMO is a shared house or flat occupied by three or more unrelated individuals (if that's enough detail for you, you can skip this part)

Since the last election it is no longer necessary to apply for planning permission to convert a dwellinghouse into an HMO with up to 6 occupants, due to an extension of 'permitted development rights' awarded to owners of whole properties. Legislation currently at consultation stage will, if adopted next March allow councils to choose areas where they want to control the concentration of HMOs, by reinstating this requirement. They can do this

by limiting these permitted development rights using an 'Article 4 Direction'.

There is a further division though, defined under the 'Use Classes Order', between HMOs of up to 6 occupants, and those with over 6 occupants. A 'change of use' which would normally require planning permission, occurs when a building moves from one 'Use Class Order' to another. Dwellinghouses are Class C3. HMOs with 3 to 6 occupants who are 'unrelated individuals' are Class C4, but large HMOs with more than 6 people sharing are unclassified by the Use Classes Order. Confusingly, moving from C3 to C4 or vice versa is no longer deemed to be a change of use, whereas moving from C3 or C4 to the unclassified large HMO class, i.e. from 6 to more than 6 occupants is, and therefore does still require planning permission - but only if a 'material change of use' is considered to have taken place. And that's where the arguments begin.

The last bit of information that's relevant to this is the requirement for an HMO to be licensed. This was introduced under the last government, and was an attempt to regulate safety standards in HMOs by requiring landlords to licence any HMO that was more than 2 stories high and had more than 4 occupants. The expectation was that councils would apply to extend this at a later date to all HMOs.

HOW MANY ARE IN THE PARK?

The map, which we will endeavour to keep up to date with information passed to us by residents, shows a scattering of HMOs throughout The Park with clusters on Hope Drive, Barrack Lane and a few other locations. Compared with the story in Lenton, we are not doing too badly, but there are already cases of owners of properties in The Park next door to HMOs giving up and selling, only to find that they cannot sell to anyone other than the landlords who have forced them to sell up in the first place. And that's the tipping point.

Some of the issues associated with the increase in HMOs in Lenton are:

- a reduction in property values when the rental market weakens
- a reduction in quality of life for those still remaining – noise, rubbish, on-street congestion
- a reduction in the strength of community as more residents become transient
- an increase in workload for maintenance service
- damage to housing stock as properties are refurbished or gutted under permitted development rights
- an increase in petty crime associated with HMO way of life and increase in street parking.

It is for these reasons that we are keen to start a record of all HMOs in The Park, and gather the following information: ***The landlord's details; The number of occupants;***

Compliance with Planning Permission; Whether the property is/should be licensed

Once we hold this information, we will be in a far better position to respond to both these and any future HMOs that might be proposed.

HOW CAN WE CONTROL THE SPREAD OF HMOs?

There's no golden bullet to this one, but it is something being discussed by ourselves, the NPEL and a number of residents who are seeking their own independent solutions.

The planning guidance is, as ever, in a state of flux and open to interpretation. Any changes on that front, however, are going to be long term solutions and unlikely to be achieved by individual pressure groups. What we can do is make a case to Nottingham City Council that The Park, as a Conservation Area should be protected from an excessive influx of HMOs, if nothing else on the basis of the detrimental impact of excessive on street parking or the damage done to properties by converting them into HMOs. There are currently two national consultations relevant to this in progress, and we'll be keeping NPRA members informed on these in our next newsletter.

The most frustrating aspect of this is that as a private estate, we still seem to be unable to introduce any further restrictions ourselves. Some of the suggestions we have put to the NPEL include the introduction of a new business rate for absentee landlords, a limit to the number of cryptags per HMO, possibly linked to a strict enforcement of the on street parking limitation to the width of the frontage of each property. These seem to be difficult to implement, but the debate continues.

WHAT IS BEING DONE AT PRESENT?

Due to a spate of recent complaints from residents the NPEL and the Police have held a meeting with the relevant parties to discuss our existing HMOs. The police are being very proactive in this, and are keen to make contact with as many student HMOs as possible in the form of 'pre-emptive strikes' rather than waiting for situations to arise.

They rightly point out that the first step should always be for residents to make contact and make it clear what is acceptable and what isn't. Yes, this is always going to be subjective, but waiting until you've reached breaking point is not a healthy approach to neighbourliness - it's always going to be a compromise, and remembering what it was like to be young includes remembering how self orientated you can be at that age, and how important it is being told as much.

WHAT CAN WE DO AS RESIDENTS?

Much of the following advice comes from discussions with NAG (Nottingham Action Group on HMOs – www.nottinghamaction.org.uk), looking out for the few remaining home owners in Lenton.

If you doubt the legality of an HMO:

We'd like to know. If you contact the NPRA we'll check it against our records and if necessary inform the City

Planning Authority and keep you informed of the outcome.

And if a potential HMO property goes on the market near you, get involved at the outset, not when the deal's been done.

If you've had enough of the 'HMO way of life':

Should you find that your HMO is becoming a recurring nightmare, and talking directly with the occupants isn't working, we suggest the following course of action:

Contact the landlord or managing agent if you know who it is, and inform them of the issue, maybe at the time it's happening. It is in their interest to deal with any complaint immediately. We will be providing as many details as we can on our website as our database grows, so check there first.

If this doesn't solve the problem and you want to be sure a complaint is logged, here are the contact details you'll need:

- Our local beat officer for The Park: PC Ian Taylor PC 672, Tel: 07792 437368

- Contact the University if appropriate (they will start by checking their records to see if the property is occupied by students at their institution and then see what they can do to intervene).

- The liaison officer, Nottingham University: Melanie Futer. Tel: 0115 951 4649
email: melanie.futer@nottingham.ac.uk

- The liaison officer, Nottingham Trent University: Mark Simmonds Tel: 0115 848 4290
email: mark.simmonds1@ntu.ac.uk

- City Council Environmental Health section (they are the point of contact at the Council for most HMO related problems): Tel: 0115 915 6170, E-mail: public.health@nottinghamcity.gov.uk

- ASBO helpline: 0115 9152020

- Make sure the NPEL estate office is aware of the problem and any complaints you have made. There is now a book at reception where you can record any incidents so that the NPEL have a central record to refer to.

And if this all strikes you as alarmist and uncomfortably protectionist, talk to some of those on the front line first.

If you want to join the NPRA as a member or join our committee to help us protect and improve the Park Estate, please contact:

*Mike Siebert on 0115 9243841
or email us at info@parknews.co.uk.*

Editor's Acknowledgement

My thanks to Christine Walker, Mike Siebert and Dan Lucas for allowing me to use this article, which appeared in a recent issue of *The Park News*.

NEIGHBOURHOOD CONSTITUENCY MPs & WARD COUNCILLORS

NOTTINGHAM EAST CONSTITUENCY

Arboretum, Berridge, Dales, Mapperley, Sherwood, and
St. Anns Wards



CHRIS LESLIE MP

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E-Mail: chris.leslie.mp@parliament.uk

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Nottingham NG1 5BG

NOTTINGHAM SOUTH CONSTITUENCY

Bridge, Clifton North, Clifton South,
Dunkirk & Lenton, Leen Valley,
Radford & Park,
Wollaton East & Lenton Abbey,
and Wollaton West Wards



LILIAN GREENWOOD MP

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Write:

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WARD COUNCILLORS

| Arboretum Ward | | Berridge Ward | | Radford & Park Ward | |
|-----------------------------------|---------------|------------------|--|---------------------|---------------|
| Merlita Bryan | 915-1909 | Mohammed Ibrahim | 910-3745 | Mohammad Alsam | 941-8030 |
| Azad Choudhry | 07711-117-661 | Carole Jones | 07943-829-572 | Steph Williams | 847-7513 |
| | | Toby Neal | 840-9815 | Liaqat Ali | 07508-556-517 |
| Dales Ward | | | St. Anns Ward | | |
| David Mellen | 915-2497 | Jon Collins | 8764-265 915-05624 97506-707-984 | | |
| Gul Nawaz Khan | 07890-391-207 | David Liversidge | | | |
| Kenneth Williams | 947-7513 | Sue Johnson | | | |
| Wollaton East & Lenton Abbey Ward | | | Wollaton West Ward | | |
| Stuart Fox | 07534-709-170 | Georgina Culley | 916-3278 849-7417 946-3572 | | |
| Sally Longford | 07732-972-465 | Eileen Morley | | | |
| | | Steve Parton | | | |
| Bridge Ward | | | Dunkirk & Lenton Ward | | |
| Nicola Heaton | 07947-898-704 | Sarah Piper | 958-2024 876-3788 | | |
| Michael Edwards | 07876-203-352 | Dave Trimble | | | |

Write to Councillors:

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Station Street
Nottingham NG2 3NG

Generic E-Mail Address for Councillors & Council Officers:

xx.yy@nottinghamcity.gov.uk

Nottingham City Council Telephone:

0115-915-5555

DUBROVNIK TO VENICE INVITATION TO THE CAPTAIN'S TABLE

*'One cannot think well, love well, sleep well
if one has not dined well.'*

[Virginia Woolf]

Note: When I added a selection of recipes to the last NAG magazine, I suspected I'd end up with quite a bit of flack for having done so. As it turned out, it was probably the most favourably received part of the magazine with a surprising number of requests for more of the same!

Once again, most of the recipes have been collected from members of the NAG, and a goodly number of the end-products have been sampled and enjoyed at NAG meetings. However, I have also included two of my own to remember food eaten and enjoyed in good company in places up and down the Croatian coast.

CAPTAIN'S DINNER Menu

m/s Liburnija

Aperitif

Caviar with Buttered Toast and Lemon

Lobster Bellevue

Consommé Double Madrilène

Čevapčići Serbian Style

Roast Pheasant with Bacon

Fried Potato Straws – Red Cabbage in Pineapple

Sautéed Tomatoes – Glazed Apples

Mixed Salad

m/s "Liburnija" Lanterne

Cheese Platter

Fresh Fruit

Coffee

ORANGE CAKE

1 small orange

140g caster sugar

3 eggs

85g self-raising flour

100g ground almonds

50g butter, melted

20cm deep round springform cake tin

Put orange in a pan, cover with cold water and bring to the boil. Simmer for 1 hour. Remove the orange and allow to cool.

Heat oven to 180°C/fan 160°C/gas mark 4.

Butter and line the base of the cake tin. Roughly chop the cooked orange and discard pips. Put in a food processor/blender and blend until smooth.

Whisk the sugar and eggs until light and fluffy. Sift the flour and ground almonds on to the egg mixture and gently fold in using a large metal spoon. Then add the orange puree and melted butter. Fold in gently until just mixed. Pour into the prepared cake tin and bake for 40-45 minutes until the cake is brown and springs back under light pressure. Cool in the tin.

CHOCOLATE FUDGE BROWNIES

125g milk chocolate & 50g white chocolate, chopped

9 ready-to-eat prunes

200g dark muscovado sugar

3 large egg whites

1 tsp vanilla extract

75g plain flour, sifted

Preheat oven to 180°C/160°C fan assisted/gas mark 4. Grease a 15 cm square shallow cake tin. Line the base.

Melt the milk chocolate in a heatproof bowl over a pan of gently simmering water. Remove from heat and allow to cool slightly.

Put prunes and 100 ml water in a food processor/blender and whizz for 2 to 3 minutes to make a puree. Add muscovado sugar and whizz again briefly. In a clean, grease-free bowl, whisk the egg whites until they form soft peaks. Add the vanilla extract, prune mixture, flour, white chocolate and egg whites to the bowl of melted chocolate.

Fold everything together gently. Pour the mixture into the prepared tin and bake for 1 hour, or until firm to the touch.

Leave to cool in the tin. Then turn out, dust with icing sugar and cut into 12 squares.

LEMON CHEESE CAKE

For the top and base

4 large eggs

52g hazelnuts, ground

zest of 1 lemon

52g icing sugar

25g butter, melted

38g plain flour, sieved

For the filling

250g ricotta or similar soft cheese

grated zest of 1 lemon & juice of 2 lemons

5 tbsp caster sugar

1 sachet of vanilla sugar or ½ tsp vanilla essence

1 sachet gelatine powder

420 ml double cream

Two 22/23cm sandwich tins

One 20cm deep round springform cake tin

Heat oven to 190°C/160°C fan assisted/gas mark 4. Grease sandwich tins and line the base. Line the base of the round springform cake tin.

Separate egg yolks and whites. Whisk egg yolks with icing sugar until thick and pale coloured. Fold in stiffly beaten egg whites alternately with ground hazelnuts and flour. Finally, add melted butter and fold in until just mixed. Don't over mix as this recipe has no raising agents other than the air beaten into the egg whites.

Butter and line base of sandwich tins. Divide mixture into two and spoon into the tins. Bake until golden brown and springy. Allow to cool.

For the filling, beat the cheese together with the lemon zest, caster sugar and vanilla sugar or essence until smooth.

Sprinkle the gelatine on about 2 tbsp of cold water in a cup and leave to 'sponge'. Alternatively, follow whatever method is recommended by the manufacturer of your gelatine. Then melt, either in a microwave for about 30 seconds or stir over a water bath until dissolved. Next, beat some of the cheese mixture into the gelatine. Then return to the rest of the mixture and beat together quickly and thoroughly. Chill in the 'fridge for about 10 minutes until the mixture begins to set. Meantime, whisk the cream until it forms soft peaks. Then fold into the setting cheese mixture.

Place one of the sponge cakes into the bottom of a 20cm deep round springform cake tin and pour in the cheese mixture. Level the surface and place the second sponge cake on top, pressing gently on to the cheese mixture. Return to the 'fridge to chill until firm. Then carefully remove the cake, if necessary easing around the sides of the tin with a cake knife. Place on a serving dish and lightly dust with icing sugar just prior to serving. Can be served with whipped cream.

CHOCOLATE 'TORTE-URE'

500g melted dark chocolate
50g butter
50g caster sugar
125g mixed dried fruit, 125g hazelnuts, chopped
125g almonds, chopped, 60g almonds, ground
2 eggs, beaten
1 tsp mixed spice
sponge fingers
Brandy
Baking tin lined with cling film

Soak dried fruit in brandy overnight, or alternatively microwave. Cream together butter and sugar and gradually add beaten eggs a little at a time, beating until well combined. Then fold in 30g ground almonds. To the soaked dried fruit add 125g chopped hazelnuts, 125g chopped almonds and 30g ground almonds and add to the melted chocolate along with the mixed spice. Add a crumbled packet of sponge fingers and mix quickly, but well. Pour into the baking tin and leave to cool and go solid. Turn out, chop into 2cm pieces.

Contributor's Warning: Raw eggs are used, so this recipe is not suitable for pregnant women or the elderly. Also, it's rich so hide the bathroom scales until a week after you've finished it!

PORTER CAKE

175g butter
450g mixed dried fruit & glace cherries
grated zest and juice of 1 orange
Few drops orange essence
175g light muscovado sugar
200ml 'porter' (e.g. Guinness)
1 tsp baking powder
3 eggs, beaten
300g plain flour
2 tsp mixed spice
20cm deep round springform cake tin, greased
and base lined with greaseproof paper

Heat oven to 150°C/fan 130°C/gas mark 2. Butter and line the base of the cake tin. Put the butter, dried fruit, glace cherries, orange zest and juice, sugar and porter into a large pan. Bring slowly to the boil, stirring until the butter is dissolved. Then cover and simmer for 15 minutes. Add orange essence and cool (still covered) for 10 minutes. Then stir in the bicarbonate of soda. The mixture will foam. This is normal. Stir the beaten eggs into the mixture in the pan. Sift the flour and spice into the mixture and mix well. Pour into the prepared tin, smooth the surface and sprinkle with about 2 tbsp demerara sugar.

Bake for 1¼ to 1½ hours. Cool in tin for 15 minutes, then turn out and allow to cool completely on a wire rack.

DUBROVAČKA ROZATA (Dubrovnik Cream Caramel)

(12 servings)
1 doz large eggs
220g granulated sugar
1 litre milk
1 vanilla pod, or vanilla bean paste
350 ml double cream
100g shelled almonds, roughly chopped and toasted, 70g raisins
20 ml rum
60g candied orange peel

For the caramel:
120g granulated sugar

1 large decorative mould, or smaller moulds for individual caramels

Soak raisins in rum, preferably overnight. Prepare caramel for lining the mould(s). Measure the sugar into a dry saucepan and place over a moderate heat. Stir until the sugar melts and turns golden-brown. When golden-brown draw off the heat and add 3 tablespoons cold water. Care needs to be taken as the mixture will boil up with the addition of liquid. Return the pan to the heat and stir until any bits of caramel have dissolved and you are left with a thick syrup. Pour into mould(s). Holding mould(s) in a cloth, tip slightly so that the caramel coats the inside. Set aside while preparing the cream.

Put the milk and the seeds scraped from inside the vanilla pod (or about 1 teaspoon of vanilla bean paste) in a pan and bring to the boil.

In another bowl mix eggs and sugar.

Strain boiled milk, allow to cool a little, and then slowly add to the eggs and sugar mixture stirring constantly, but gently so as not to create froth on the surface.

Pour the milk mixture into the mould(s) and place in deep baking tray filled with about 1cm. water. Place in a slow oven (150°C, gas mark 2) and bake for approximately 1 hour. Baking the rozata at a higher temperature and for a shorter time will result in poor texture and appearance. When the middle of the rozata is half set, pop a few raisins soaked in rum into the middle.

When the rozata is set, (take out of the oven, cool and allow to chill in the 'fridge overnight.

Loosen the top edge of the rozata with a knife. Turn out on to a serving dish (or into individual bowls) and drain away any liquid caramel.

Decorate with whipped cream and a sprig of mint, or with thin strips of candied orange

PART II END NOTE: THE EDITOR'S AFTER THOUGHTS

THE GREY HAVENS

Farewell *Liburnija*

*'The Road goes ever on and on
Out from the door where it began. ...'*
[J.R.R. Tolkien, *Lord of the Rings*]

In my hunt for the *Liburnija*, the internet, as always, proved to be a good, if frustrating, ally. Good because it revealed a fascinating world of ships, ship spotting and ship tracking that I hadn't imagined existed out there. Frustrating because, although I could find some of the *Liburnija*'s past history (November 1971: exhibition ship sailing to Las Palmas, Guyana, Venezuela, Chile, Ecuador, Honduras, Mexico, Jamaica; 1991: the 'Homeland War' and sailing at the head of a convoy that broke the blockade of Adriatic ports and carried aid to Dubrovnik), what I couldn't find was her in the present.

However, by then I'd found another harmless enough past-time, checking websites in the Adriatic to see what the weather was like and, if there happened to be a webcam as well, taking a look at what it had to offer. One morning in July 2010, logging on much later than I usually did to a website in Korčula, I found on my computer screen an indistinct, but achingly familiar shape. I'd stumbled upon the *Liburnija*!

Only weeks before I'd started my search for her, or so one of the websites reported, the *Dalmacija*, who we'd met in Patmos all those years before, had gone to the breaking yards of India. There were rumours on the same website that at the end of September, the *Liburnija* too would be making a similar journey. What else could I do than try and sail with her again?

In mid-September a last minute fortuitous meshing together of plane and hotel availabilities put us on a flight from East Midlands to Dubrovnik. The final approach took us over Gruž. Below was the silver network of the (for me) new suspension bridge, the harbour, our hotel (the Petka) and, nearly 40 years since I'd first joined her in Venice, turning across the bay to dock at the passenger quay, the *Liburnija* herself. Magic, coincidence, fate, call it what you will, but surely the stuff of which memories are made.

It now seems that my sailings with the *Liburnija* over the last two years will be my last.

On Thursday 29 September 2011 the *Liburnija* left Dubrovnik for Rijeka on the last voyage of the season. The following day, an article in the *Dubrovnik Times* entitled 'Farewell *Liburnija*!' reported on the emotional send-off she'd received when, on the Thursday lunch-time, she'd left Korčula.

The report also confirmed that this had been not just her final voyage of the season, but also her final sailing. Too old, (She was launched in March 1965.) too small, too slow, and much too out-of-date, (She doesn't even have



The *Liburnija* entering Gruž Harbour 20 September 2011:
Downloaded from <http://www.webcams.travel/webcam/1297196385-Weather-Dubrovnik-Port-Gruz-Dubrovnik>

stabilizers!), she was now for sale, her present destination a shipyard in Mali Lošinj where she would await her fate.

Though I would have wished it to be otherwise, bearing in mind how I'd tracked her down, it's somehow right that I watched her last sailing from Korčula at a distance, logged on to the same webcam that had first found her for me.

The *Liburnija* is the thread I've used to bring together the different chapters of this magazine. But, as I look back over the pages already written I notice another thread weaving itself in and out of the story: that of challenges and how they are faced, sometimes lost, sometimes overcome.

I'm also reminded that 2010, when I began to compile this issue, was not just the 40th anniversary of my first journey with the *Liburnija*, but also the 40th anniversary of NASA's Apollo 13 mission, and the 20th anniversary of the Hubble Telescope's time in space.

Both were products of ultimately successful science and engineering challenges. However, it's important to remember that this was very nearly not the case.

Because Apollo 13 did not land on the moon, did not achieve its 'mission goals', it can be argued that the mission itself was a failure. Nevertheless, the fact is that Jim Lovell and his crew made it back home. That they did so was because of their own fortitude, resourcefulness, and NASA teamwork, coupled to the ingenuity of the same science and engineering that had failed them in the first instance. And, of course, also allied to a heavy dose of sheer good luck. So, when their capsule finally splashed down in the Pacific, three astronauts – and a 'successful failure' – were almost literally plucked out of the depths of disaster.

Similarly, only weeks after its launch from the space shuttle *Discovery*, the success of the Hubble mission was put in jeopardy when the images produced by the telescope revealed a serious and fundamental problem with the optical system.

The Hubble mirror had been made the wrong shape.

It was to be another three years before another shuttle, *Endeavour*, and its astronauts delivered and installed what was in effect a pair of correcting spectacles to Hubble. In the interim the telescope had been seen as something of a disaster; the butt of many jokes. However, once images started to come back from Hubble with its glasses in place, the joking had to stop.

I have no intention of having my reputation as a 'glass half empty' sort of person compromised. Neither am I prepared to indulge in what is politely called 'sanctimonious hyperbole'. However, it appears to me that, just as they did with Apollo 13 and again with Hubble, so now Nottingham and our neighbourhoods have been presented with challenges to which answers must be found. Moreover, just as with Apollo and Hubble, hard work and perseverance are showing signs of beginning to pay off, turning an endeavour that has so often seemed to be on the brink of failure into something which, though not by any means an unqualified success, has about it a feeling that something useful can be done for the future.

Not that the challenges have gone away, and not that the NAG can abrogate what has always been one of its prime functions: to challenge. But there are reasons to be hopeful, if not cheerful.

The Article 4 Direction on HMOs will come into effect in a week's time. It would be economical with the truth indeed to present this as a panacea for the ills in our neighbourhoods. It isn't. Like any tool, its usefulness depends on how well it's used. One of the NAG's challenges is to influence that, and to remember that if it isn't used well, our Council (elected Members and their officers) can be held to account as they could not have been before.

Quoting again from Jo Briggs' e-mail '*... the great and long awaited news*' about the Regulation 7 Direction giving the city council the power to implement its code of practice on 'To Let' boards, means that, if the controls are enforced – and there is every reason to hope they will be, and a challenge to ensure that they are – this not insignificant success will produce a visible improvement to the environment of most of our neighbourhoods.

Of course, the fly in the ointment is those neighbourhoods which CLG have excluded from the Regulation 7, one of which happens to be my own.

However, as CLG puts it '*The Secretary of State invites comments ...*'. So the challenge here is twofold: to make comments and to explore whatever other avenues are available.

I understand that councillors for Dunkirk & Lenton and Wollaton East and Lenton Abbey Wards and our MPs, Lilian Greenwood and Chris Leslie, will be taking advantage of CLG's invitation to comment, as will Unipol, the NAG, and, I would hope, residents' associations in those wards. Also, it's possible that the areas omitted from the Regulation 7 can be made subject to the same code of practice, but on a voluntary basis, and that monitoring the results will produce data that can be used in fresh applications to CLG. So, not yet quite the right time to give up on that one either.

This isn't Dubrovnik where the total population of the city and the surrounding area is about equivalent to Nottingham's student population (55,000), and where more than a million travellers pass through its port each year, most of them it seems staying for a few hours only. But, no doubt here, as there, the arguments about the benefits and disadvantages of a large transient population and (in our case) concentrations of HMOs will continue to rumble on.

However, things are different from what they were eight years ago when the NAG started. The problems experienced in our neighbourhoods have been recognized; are no longer being swept under the carpet of mendacious gossip. The need to do something about them has been accepted, and while they can't be solved easily, the challenge is that they can be mitigated against if NAGgers, their families, friends and neighbours keep doing 'what it says on the bottle' – NAGging.

I really do hope that on this spring day with the sun shining, the crocuses, daffodils and snowdrops already out in the garden, and one of our resident wrens trying to decide whether to be conventional, or whether to nest in our kitchen extractor fan, that my ramblings haven't been too tedious for you. That perhaps through them you may have come to enjoy a little of what the *Liburnija* has brought me, and taught me about the past, the present and the future, and feel a little more hopeful that the '*winter of our discontent*' can be made to turn, if not into '*glorious summer*', then at least into a new spring.

[Editor, 5 March, 2012]

PART III: THE VOYAGE OF THE *LIBURNIJA*: MEMORIES & MUSINGS



The *Liburnija* in Korčula, September 2010: photograph courtesy of & ©MRJ Fletcher

*I must go down to the seas again, to the lonely sea and the sky,
And all I ask is a tall ship and a star to steer her by,
And the wheel's kick and the wind's song and the white sails shaking,
And a grey mist on the sea's face and a grey dawn breaking.*

*I must go down to the seas again, for the call of the running tide
Is a wild call and a clear call that may not be denied;
And all I ask is a windy day with the white clouds flying,
And the flung spray and the blown spume, and the sea-gulls crying.*

*I must go down to the seas again, to the vagrant gypsy life,
to the gull's way and the whale's way where the wind's like a whetted knife;
And all I ask is a merry yarn from a laughing fellow-rover,
And quiet sleep and a sweet dream when the long trick's over.*

[John Masefield, 'Sea Fever']

Korčula

Not All Post Boxes Are Red

In 1970 the island of Korčula was the *Liburnija*'s first port of call. My abiding memory of the visit is that, having duly fulfilled the first part of a promise to write from every port, I went, armed with a handful of postcards, in search of a post box – and couldn't find one.

Back on the ship, the Purser, with years of experience of passengers and their idiosyncrasies, very gently explained to me that not only could I buy stamps from his office, but he and his staff would make sure my cards were posted where-ever the *Liburnija* docked. Perhaps remembering a visit of his own to some port or other in England, he added that not all post boxes are red.

Those in Korčula were yellow, and to add to my chagrin, when I looked again, there was one on the quayside.

I hope I looked back at least once as Korčula disappeared astern. I suspect I didn't. Then, it was only the first of many new places, and some 24-hours sailing time away was the Greek port of Itea and the road to Delphi.

It wasn't until September 2010 that the *Liburnija* finally returned me, albeit for a few hours only, to Korčula's weathered gold stonework, mottled red roofs, and a reawakening of the rough magic that first began to spell me in this place and which, 40 years on, an irresistible impulse, brought me back again.

On the terrace of the restaurant 'Morski Konjic' (Sea Horse) on the south wall of the town we sat under the shade of pine trees, ate freshly baked bread and Dalmatian *prsut* (ham) and

salad, drank Dalmatian, 'točeno pivo,' (draught beer) and, with the brindled grey limestone folds of the hills of the Pelješac Peninsula as a backdrop, watched the comings and goings of boats and people until it was time to return to the *Liburnija* for what I imagined then might well be a final sailing away from Korčula.

Unlike that first time, this was a time to look back – many times – and as the *Liburnija* sailed south towards Dubrovnik with the sunset turning her wake into a molten ribbon stretching back into darkness – to remember ...

I hope this brief stop-over has whetted your appetite to know more about Korčula, which is beautiful, and its community, which is active and strong. If so, here are two local websites to look at: www.korcula.net and www.korculainfo.com. Get Google to translate for you – the results are somewhat peculiar, but nonetheless, barring a crash course in Croatian (and if you find some-one who runs them, please let me know) useful in getting the gist of things.

Better still, why not visit?

Also, keep an eye out for Michael Donley's book 'Marco Polo's Isle: Sketches from the Dalmatian Island of Korčula', published by Spencer & Glynn (March 2005). I'd love to borrow it!

Korčula to Itea

New Horizons: 'It's a Long Way to Delphi'

I don't know how many sea miles there are between Korčula and Itea, the port for Delphi. However, if my memory serves me well, having left Korčula before mid-day, the next morning found the *Liburnija* still heading south and east towards the Strait of Rion and the Gulf of Corinth. Ahead were several more hours sailing before she finally docked.

Surrounded, as the ship was on that first long leg of the voyage, by a world of seemingly empty and endless sea and sky, for me the only imperative, if you can call it that, was to recover from a sense of confusion engendered in part by the speed at which I – then a virgin air passenger – had been transported from a cool September morning at Heathrow to a hot afternoon in Venice via a tiresome stop-over in Milan, before arriving at my rendezvous with the *Liburnija*.

If, as the Arab saying avers, the soul invariably travels at the speed of a camel, then the *Liburnija's* comparatively sedate 16 knots meant that at least there was time a plenty to adjust to life at a gentler pace. Perhaps even begin to come to terms with the possibly permanent separation of body and soul, and to look forward to what new horizons had to offer.

Speaking of which, somewhere between Korčula and Itea I was offered my first taste of Croatian plum brandy. If you search on Google for 'Maraska šljivovica', you'll find that 'it is the distinctive plum brandy of the Zadar area. Its natural flavour and rich aroma is achieved through special fermentation, distillation and a long term ageing process in barrels made of the unique woods of the Zadar region'. The same website also has a picture of an attractively-shaped bottle with an elaborate label.

That my šljivovica came out of a very ordinary bottle, with no labelling of any kind on it, should have warned me about its contents. I suspect it probably did. But the offer, made by one of the *Liburnija's* navigation officers, was not one I felt I could properly refuse.

I suppose I could claim in my defence that I was young, on my first solo voyage, more than a little naïve, already falling hopelessly in love with the *Liburnija* (though I didn't know it just then), and so couldn't possibly turn down what was both challenge and gesture of hospitality.

However, that defence really doesn't hold up. Forty years on I suspect that, given the same circumstances, I'd probably still pick up the offered glass, inwardly shudder as I did then (I've never been fond of strong spirits.) and drink. More than likely

with the same result: the (re)discovery that an innocuous-looking glass of almost colourless liquid can, quite literally ... take your breath away!

However, in 1970 at least honour had been satisfied; hospitality had been offered and accepted; another word had been added to my (very limited) Croatian vocabulary – and what would life's rich and varied pattern be without new people, new places, and new experiences to weave new threads into it.

Delphi Apollo's 'Bright Citadel'

I once came across a theory that inanimate objects absorb some essence of lives, human and animal, and events that occur around them, which may explain why for some people Delphi is a numinous experience: a thousand and more years as a sacred place may well have left some trace in the fabric of its ruins; some echo in the bright air and the stones of the Phaedriades.

I have made the journey to Delphi twice, and my clearest memories are not so much of the Classical site and the Sanctuary as of the location itself. It is a place where the forces that shape and reshape our planet seem to have conspired together to create a setting so stupendous it's little wonder the ancients, better attuned to such things than us, recognized it as well-suited for the worship first of Gaia, the Earth Mother, and later of one of the most powerful of the Olympian pantheon.

And, perhaps, though the greater god has departed, the lesser ones, those small spirits of trees, water, air and stone, still remain. Surely, this may be why, by and large, it is of things elemental: trees, water, air, the rocks of Parnassos, that even now I retain the most vivid recollections?

On the first visit they are of the *Liburnija* sailing towards Itea into a strengthening head wind with clouds building over Parnassos. At Delphi itself more clouds, also thunder, and the ever-present threat of storm. Sitting under a plane tree drinking coffee and watching the light fading on the cliffs above the Sanctuary. The air still and warm and smelling of cooking and herbs. The suddenness of the dusk: velvet curtains drawn over a window.

Finally, the return to the *Liburnija* in a taxi, *bouzouki* music on its radio. Lucky charms swinging from the mirror. The faster the music, the heavier the driver's foot on the accelerator. It's going on to 2,000 ft from Delphi to sea-level. Bends in the road are sharp, drops steep. Sometimes the sweeping headlights pick out roadside details. Often they only find empty space. Not fear exactly – after all, I'm young and immortal – but I do begin to wonder maybe: 'See Delphi and die'?

On the quayside at Itea, surprise that knees can actually knock together like the proverbial castanets. Back on the *Liburnija's* bridge, the Radio Operator and Second Officer (much amusement at my expense, but bless them) call up a cup of tea from the galley – to restore my nerves, they say – and tell me about unprintable experiences of their own with taxis and taxi drivers in general, Greek ones in particular.

A year later, a different ship, the *Jedinstvo*, and everything golden and clear in the early morning light. The official tour starts at the bottom of the Sacred Way, but I go my own way: to the museum and the Hall of The Charioteer. For a while I have him to myself. He's fascinating. The sharp detailing of the bronze: the folds of his tunic, the tight curls, the muscles of his remaining arm, his hand closed on the broken reins, his feet and toes beautifully sculpted, and, of course, those eyes.

I hear the noise of an approaching tour party, so I leave him to the admiration of others.

Presently I reach Delphi's theatre. Everywhere crumbling leaves, stems and flowers of plants killed off by the summer heat: in the soil between the rocks, squeezed into cracks in the broken stonework. In contrast, the olive groves south towards

Itea on the Plain of Krissa are an ocean of tossing silvery blue-green breaking against the ramparts of Parnassos.

The coach back to the *Jedinstvo* will be waiting on the Arachova Road some distance from the Sanctuary. By the time I reach the road, it's late morning, the heat is building, and cicadas are well into their monotonous background chorus.

I don't realize I'm thirsty until I hear the sound of water running down a stone gutter, under the road, out on the other side and over the valley's lip, downward to the Pleistos. The gutter turns away from the road and towards a narrow gap between the cliffs. Where trees overhang it, there is shade. The source, further up the ravine, is hidden. The water is shockingly cold, but tastes wonderful. It's only later, back on the ship and belatedly reading my guidebook, that I realize I'd found the outflow from the Castalian Spring, sacred even before Apollo killed its guardian, the snake Python, and claimed Delphi for himself.

I ought to visit the Temple of Athena and the Tholos, just below where I'm standing, but to be truthful I'm hot and tired and I don't feel dutiful. So I sit on a rock at the roadside. From there I can look back to the Sanctuary. The columns of the Temple of Apollo, massive and imposing when you're standing between them, from a distance are now dwarfed by the cliffs.

There are wasps buzzing around, attracted by what I assume are the remains of a tourist's discarded lunch. I don't like wasps, and I'm beginning to feel it's time to be going when I notice the tree behind me, which is a fig, and the man and the boy, presumably father and son. The father sits astride a branch, his son catching the ripe fruit he throws down to him. The ground is scattered with them and it's this that's attracting the wasps. The father shouts to me – in French – and throws a fig down to me also. It's warm and incredibly sweet. Not a pomegranate though, so no guarantee that I, like Persephone, will return.

One of the many regrets I have is that I'm unlikely to ever return to Delphi. The *Jedinstvo* is long gone, and the *Liburnija*, if not quite yet destined for the breakers' yard, is done with cruising. And I have no idea as to the fates of either ship's officers and crew.

But Delphi is a special place and they brought me there. So, if I put my mind to it, I can remember their faces as easily as I can remember how the Charioteer's tunic felt to the touch, and the taste of the water of the Castalian Spring, and the cicadas' chorus, and the smell of ripe fig juice on my fingers. These are the memories which, having stood the test of years and my doings I think (I hope) will always remain.

Itea to Athens: The Corinth Canal Transit of Venus

I doubt whether any of today's leviathan cruise ships follow the same route from the Adriatic to Piraeus as the *Liburnija* did in 1970.

For one thing, unless a vessel is of a size to use the Corinth Canal, visiting Itea entails a good deal of back tracking afterwards and, if the destination is Piraeus, a long detour around the Peloponnese to boot.

However, at something around 3,300 BRT the *Liburnija* is no leviathan and her passage through the Canal created no apparent difficulties for ship, officers, crew, or pilot.

Shortly before midnight, as she began her slow, flood-lit transit, I was woken by one of the officers on his way to the bridge so I wouldn't miss the experience.

And certainly an event I would have regretted missing:

Moths circling the deck lights; deep shadows; sounds of engines, voices, water magnified and distorted, but muffled; sheer rock walls and small plants clinging to faults in the limestone layers, all seemingly within touching distance.

And, finally, with the transit over, the *Liburnija* safely back in open waters; flood lights turned off; helmsman and navigation

officer left with the returning darkness and a night sky so dense and full of stars that the clichéd description of velvet hung with diamonds isn't really a cliché at all.

Whilst for me Delphi remains a testimonial to the power of natural forces, the Corinth Canal is a small, unforgettable reminder of how humans can ape those forces, sometimes with equally theatrical and spectacular results.

Athens Of Customs Officers and Greek Colonels

The *Liburnija* arrived for a two-day stay in Piraeus in the early morning. Not that any of her passengers were around to watch her dock.

It had been well into the early hours before, the Corinth Canal behind us, everyone finally returned to their cabins and left the night watch to steer her across the Saronic Gulf to her berth.

When I did surface, my introduction to Piraeus was another salutary reminder that the *Liburnija's* journeying East was taking me from one world to another. I freely accept that it, and the bluish haze that seemed to veil everything, probably still colour my recollections of my visit.

A uniformed Greek official had installed himself at a small wooden table outside the Purser's office. Chair leaning back, one foot resting on the table, coffee cup and ash tray near one hand, the other incessantly playing with his unholstered revolver, he was an intimidating and unsettling reminder that, in 1970, this was also the Greece of the 'Colonels'.

Nowhere was their presence more evident than in the centre of Athens itself, whether you looked for it, or as I did, stumble on it in the shape of tanks and soldiers half-hidden in the shadows of a street leading off vibrant and cosmopolitan Constitution Square.

What else do I remember of Athens? With its 'big city' sounds – the blaring of car horns a counterpoint to the incessant, fluctuating hum of traffic – it was noisy! And, now I come to think of it – not just the noise of traffic but what seemed to be a game of bluff and counter bluff carried on by motorists and pedestrians – and risking life and limb to cross the road in Piraeus.

With no breeze to speak of, it was also hot, humid and tiring.

So, that first evening in Piraeus I opted out of a return to the city for a *son et lumière* under the Acropolis' ramparts.

Instead, with the ship mostly to myself, sitting on the small top deck tucked in between the *Liburnija's* twin funnels, watching the ferries coming in and out of port and the occasional coming and going around the customs house, I concluded that this was no place to listen for the footsteps of gods, or even the whispering of ghosts.

Delos & Mykonos The Sacred & The Secular

Arrival at Delos begins with waking to the sound of the *Liburnija's* anchor going down some way off shore.

On deck, the light is impossibly intense, colours saturated, and, after two days in Piraeus, the air clear, almost cool. The gangway is suddenly steeper, seeming less stable, with no *terra firma* waiting safely at the bottom. Just a ridiculously small tender, dwarfed by the *Liburnija's* bulk, and lots of Homer's 'wine dark' sea.

That early in the day, Delos is deserted: only small creatures moving among the stones of a bewilderment of ruined buildings. A solitary hill and a solitary palm tree. An empty island, silent and 'gentle on the mind'.

Not so Mykonos. The place vibrates with a sort of hyper energy, except for the horses, one brown, the other grey, who are harnessed to a small carriage. Ears slightly drooping, they

seem to be far away in a world of their own, and with no inclination to join ours – not that I blame them.

By way of contrast, two fishermen are beating an octopus on the rocks near the waterfront.

And of course, there's Petros, the Great White Pelican, as much a trademark of the island as its 16th Century windmills and its white, cubic buildings. Found by a local fisherman in 1958, he was nursed back to health, took up residence on the town's waterfront and has become the much-photographed official mascot of the island. As befits his status, Petros studiously ignores the attention he gets from tourists and their cameras and preens his feathers.

PS: Petros was killed in a car crash in 1985 and his place was taken by three other Great Whites, one of whom is also called 'Petros'.

Istanbul

The 'Golden Horn'

Rumours that cholera had been reported near the city (I'd had my cholera vaccinations before I left home, but the *Liburnija's* doctor was busy just after we left Venice vaccinating everyone who hadn't.), coupled with warnings about pickpockets, meant that I viewed the *Liburnija's* late arrival in Istanbul (She had sailed northward through the night against strong headwinds.) in 1970 with some misgivings. As it is, I had no wish to stray from the day's organized itinerary and so joined the coaches waiting on the quayside.

Hagia Sophia – Byzantine cathedral, Ottoman mosque, 20th Century museum – massive, dull, neglected.

The 'Blue Mosque', still a mosque, so the rule for women is cover your arms, and for men and women alike, take off your shoes before you enter. Inside an impression of columns, geometric patterns in a multitude of shades of blue, faded carpets, lamps.

Outside again, the sunlit courtyard brilliant after the dim interior. The muezzin begins the call to prayer: pure enchantment and sudden, strong emotions as the sound stirs the forgotten memories of a small child in Cairo. Then, how many times must I have heard that call?

On to the Topkapi Palace and, amid lovely gardens and views across the Bosphorus, the accumulated treasures of an empire.

Last of all the confusion, scents, noise and hassle of the Grand Bazaar. Stop for more than a moment and you're a salesman's target. Saying you're not interested is no defence – that's just the accepted opening shot of any bargaining process – so all you can do is hurry on. And hope you don't lose the rest of the party.

Which is what two very young American sailors from the Mid-West on shore leave have done. Separated from their friends they home in on our English accents. Our guide gives them a lift back with us to the *Liburnija*, where they are found a taxi to take them to their warship.

Finally, the *Liburnija* casts off from the 'Golden Horn' and, after a detour further up the Bosphorus, turns back to Istanbul and onwards to Gallipoli, the Dardanelles ... and Troy.

The 'Blue Mosque' is on the starboard as we sail past southwards and the music of the muezzin calling the faithful to evening prayer comes to us across the darkening water.

Cannakale

The 'Windy Plains of Troy'

The *Liburnija* wasn't alone sailing down the Dardanelles on a September day in 1970.

The seaway was narrow and busy with cargo vessels. Over a cup of strong coffee, the Radio Operator told me that it had been a tiring night with lots of radio 'chatter' going on.

Tension in the Middle East had been building again. The US and Soviet Mediterranean fleets were on the move, and the *Liburnija* could end up 'piggy in the middle'. His reckoning was that if something 'started up', the Captain would head for the *Liburnija's* home port, Rijeka in Croatia, and take us with him!

He joked that, with the American fleet sailing north and the Soviet fleet sailing south, we needed to fly the 'Stars and Stripes' on one side of the ship, and the 'Hammer and Sickle' on the other – and hope we were flying them the right way round!

On the port side was Asia Minor from where Xerxes built a bridge so that his Persian armies could cross into Europe. With Gallipoli on the starboard, and Cannakale, the port for Troy, the immediate destination, it felt more than a little that this was one of those places where the boundaries between legend and history, the past and the present are so blurred that, with a bit of imagination, you can step easily over from one to the other and back again.

Fanciful? More than likely. But in my mind's eye I remember everything that morning being sombre and bleached of colour: the dull grey sea, the huge monument (I think the Captain said it was Turkish) stark and black against the pale grey sky. Even the red painted hull of the nearest cargo ship added no more than a subdued highlight to the monochrome colours of the day.

By contrast, the coach journey across the plains of Troy was a return to the every day: green fields, trees, livestock and people going about their very normal lives.

Finally, there, on a hill, Troy itself.

More to it than I'd come to expect, but such a confusion of so many different cities that had been Troy. Too many for my imagination to conjure up even the slightest rumour of Homer's doomed city: of Priam, Hector, Achilles, Paris, and of course of Helen of a Thousand Ships.

Kusadasi & Patmos

A Quiet Sunday on Patmos

The second Sunday of the journey and the *Liburnija* has two ports to visit: Kusadasi for an excursion to Ephesus, and Patmos, where St. John was given his Revelations.

As it turns out, the day is a bit like the Curate's egg – good in parts.

It doesn't start particularly well for me. For the first time I oversleep and miss the coach to Ephesus.

There's also another first. The *Liburnija* has docked stern-first, and disembarkation is through the garage deck and the rear garage doors rather than down the gangway.

Until now I haven't really thought about what I suppose you could call the *Liburnija's* 'day job' as a car ferry, so it's a bit of a surprise to see how much empty space there is between the waterline and the main decks. Walking through it on my way to take a look at Kusadasi, the smell of oil and machinery is strong and reminds me of the story one of the navigation officers had told me about when, in a hurry to sort out a problem with unloading cars, he'd not noticed a patch of oil, had slipped and done a '*salto mortale*' down the garage deck, ended up in the local hospital – and still carried the scars to prove it!

I meet the Captain. He too is going on shore. Later, as I return to the *Liburnija* we meet again. His greeting of '*Nice place Kusadasi*' is accompanied by a broad grin and a nod.

I wonder if he'd have been as pleased if I'd succumbed to an opportunity I'd had to buy a baby donkey in Kusadasi and had brought it back on board with me.

Neither do I visit Patmos. The *Liburnija* anchors well out in the bay and somehow the prospect of another journey by tender is enough to make me decide to stay on board, relax on one of the sun loungers set out on the now-empty stern deck, and watch the world pass by slowly as the *Liburnija* turns around her anchor.

She isn't the only ship visiting Patmos that Sunday. One is a Greek cruise liner. The other, also swinging around her anchor,

is the beautiful *Dalmacija*, flagship (along with her sister the *Istra*) of the *Jadrolinija* fleet, and rather more 'grand' than the *Liburnija*. I'm left with the impression that there is a deal of gentle rivalry between the two when they (rarely) meet on occasions such as this.

Not that the rivalry is confined to the ships' officers and crews. That evening at dinner I gather I've missed an 'encounter' on Patmos: lots of pushing and shoving between the *Liburnija*'s passengers and those of the *Dalmacija*. A sort of replay of the 1966 World Cup Final.

All of which leaves me rather glad I didn't bother in the first place.

Later, one of the officer's tells me that the *Liburnija* has sailed early from Patmos to get a head start on the *Dalmacija* (and a better berth). Her next port, like ours, is Rhodes.

Rhodes

The Quest for a 'Super Automatica'

Photographs I took as the *Liburnija* sailed into the commercial harbour of Rhodes Town bear out memories I have of medieval walls and towers and battlements, pale golden in the morning light, the water in the harbour reflecting the intense blue of a sky without a single cloud in sight. A scene little changed from the time of the Knights Hospitaller.

The morning's excursion is to Lindos, but with a stop at a pottery along the way. The place is caught in one of the few photographs I had enlarged: a strong, cloudless blue sky with fig leaves framing the picture of a stony side road, slim 'Italian' cypress trees dark exclamation marks along one side of it, and in the distance a blue shadowed, flat-topped mountain with purplish foothills, brown and green scrub, and bare, white rocks. Even now, faded as the photograph is, it carries memories of a hot, windless morning.

Lunch on the *Liburnija* and another offer I couldn't refuse. This time an excursion in search of what, I was assured by the navigation officer who'd made it, was one of Rhodes' unmissable purchases: a 'super automatica'. In fact the quest, taking us as it did from one street of the old town to another, meant that by the time the 'super automatica' had been located, tried out and purchased, I'd been on a thorough tour of the town, its sights (modern as well as medieval), its shops and its cafes.

Whether it was the shopping expedition or that the enclosed spaces of the old town had masked it, but walking through the tunnel of the Marine Gate into the harbour again was like swapping a cinema's warm and technicolour cocoon for the ordinary, every-day monochrome world outside. And it wasn't imagination alone. The sky really wasn't as clear as before and as for the sea? Earlier that had only had energy enough to rub itself sporadically along the quay rather like a sociable and languid cat. But now it was slapping quite aggressively against the stonework, its voice, with an underlying hiss, no longer quite as friendly.

Back on board, a sudden breeze teased the flag at the stern, making it worry and tug at its fastenings, sending the officer off to check the weather forecasts, and me off to my cabin for a sweater.

Later that evening, setting out on an after-dinner stroll, there was no ignoring the change. Even in the harbour, the strengthening wind harried and harassed the sea into ugly little whitecaps which, by the time we'd returned had become fully-fledged waves. Where the quayside narrowed, they flung themselves across it as if trying to shatter the same medieval walls I'd first admired only a few hours before. Staying relatively dry was very much a case of judging when the pause between breaking waves was going to be long enough, taking the gamble (The *Liburnija*'s bridge officer was much better at that than I was!) ... and running.

As for the quest, I can almost hear you ask: What's a 'super automatica'? Well, it's an umbrella!

And I sincerely hope it gave many years of good protection from the vagaries of the weather in the Kvarner Gulf of the North Adriatic.

Rhodes to Pylos

'One Tuesday Morn As We Set Sail'

As I remember, the *Liburnija*'s itinerary for that Monday evening ran along the lines: '... departure from Rhodes with overnight sailing to Crete'. However, it was to be another 10 years before I eventually walked off a flight from Gatwick into a hot, still Cretan night. Instead, with bad weather forecast, the *Liburnija*'s captain elected to stay in port overnight, forego the visit to Crete, and set out for the Greek mainland and Pylos next morning.

So, almost exactly 12 hours later, the *Liburnija*, nosing out of the shelter of Rhodes' harbour into a rising late summer gale, began what one of the officers ruefully described as her 'dance' across the southern Aegean.

Snapshots of that dance: Lunch time coincides with the *Liburnija*'s first attempts at rock-n-roll and a dining companion turns an unbelievable shade of green, unbelievably quickly. The Lido Bar at the stern: no passengers, the glass doors and roof closed against the gale. The swimming pool emptied of water and covered. From the Belvedere Bar, above the bridge so the highest point on the ship, a view of turbulent grey seas, turbulent grey skies, the *Liburnija*'s bows dipping into the waves, the gale blowing spray across the foredeck and up over the bar. The bridge, usually my haven when we're at sea in the afternoon, but not much of a haven now. Even with her windscreen wipers working, it's barely possible to see much past the end of the bows. The erratic pitching, rolling and corkscrewing of the deck make it almost impossible for me to keep my balance, to begin to guess where my feet are and where the deck is, let alone where it's going to be.

Not so the navigation officer and the radio operator and the helmsman who, feet set firmly apart, holds the wheel as steadily as he has always done and even grins at me.

At least I know when discretion is much the better part of valour. Lying on my bunk, listening to the changing sounds around me – those of the engines mostly slow and heavy, then suddenly rapid and high. How many different ways can a ship move in heavy weather: a picture left in my mind's eye of a white whale breaching and turning before plunging back into the water. And what of the forces being exerted by wind and water on her hull?

Time to be grateful to the *Liburnija*'s Dutch builders for a job well done. And for admiration for the *Liburnija*'s crew.

And to promise a libation to the god Poseidon come the end of the storm.

Pylos & Katakolon

'Sandy Pylos'

Morning arrival in the Bay of Pylos and the modern town of the same name. Some way north-east, under a huge Dutch barn, are the on-going excavations of the Mycenaean 'Palace of Nestor', so named by its original excavator after the old king 'Nestor' whose home was a palace in 'Sandy Pylos' in Homer's *Iliad* and *Odyssey*. Beyond are the blue, grey, sage, white mountains of the Peloponnese. A few hours sailing further north is Katakolon, the port of departure for Olympia.

The bay is also the site in 1827 of the Battle of Navarino where, in the last naval engagement to be fought entirely with sailing ships, during the Greek War of Independence, a combined Ottoman and Egyptian fleet was destroyed by a joint British, French and Russian force.

This morning there is no hint of battles, past or future. On deck the air is fresh and clear, the skies swept clean of storm; the waters of the bay as calm as the proverbial millpond. All that remains of the voyage from Rhodes is a coating on the decks, on the railings, on the portholes and windows. It crunches under foot and whatever you touch, your fingers come away sticky, smelling vaguely metallic, and very salty when you lick them.

As I look across the excavations at Pylos and out to the mountainsides beyond, I'm made uncomfortably aware that the horizon is very gently, but disconcertingly, pitching up and down. I have found my sea legs!

That evening, as we sail out of Katakolon I belatedly offer wine to Poseidon as the promised libation.

Corfu

The Puzzle Ring

The *Liburnija* docked in the port of Corfu Town on the first day of October; with only Dubrovnik left, the journey now very much reaching its end.

On the quayside a couple of my table companions and I decided to hire a horse-drawn trap on a leisurely tour of the town. I've a photograph of the driver and horse, the horse with his nose in a bag of feed and wearing the most incredible sun hat which wouldn't have been out of place at Ascot on Ladies Day!

I remember I was given a silver 'puzzle ring' as a present, bought from one of the little shops near the quay. Of course we had to see what happens when it was taken apart. Two hours later with no success at re-assembling it, the advice of an 'expert' (the radio operator) came in handy. After dinner, the ring re-appeared, intact, the four interlocking rings held very firmly in place with some wire.

I wore that silver ring for years. I believe I still have it somewhere tucked away in a cupboard full of memories.

The other memory I have of Corfu is of sailing away from the town northwards, the mountains of Albania on the starboard, the wind picking up, stirring the Ionian into small, white-capped waves, and the *Liburnija* dancing ever so gently into the evening and through the night.

Dubrovnik

Ragusa

Some time during the night on her northward journey from Corfu, the *Liburnija* had crossed into home waters. Approaching Dubrovnik by sea and from the south as we were, the first distant sight of the medieval Republic of Regusa was of fortresses and monumental walls, silver-grey in the bright light of an early autumn morning, encircling a town crowned with pantile roofs and bell towers.

The pictures in my mental scrap book of that first visit are heavily overlaid by those from other visits made before life and responsibilities put an end to all that. Superimposed on them all are the most recent ones when, many years after the *Liburnija* first brought me there, and a war later (The Croats call it the 'Homeland War.') I returned to the city.

By and large the scars of that war are no longer obvious even though Dubrovnik, its people and refugees from the surrounding area were under siege and blockade for seven months from the 1 October 1991 when the first shells hit the city. But they are there.

Just a short stroll along the harbour from the Hotel Petka in Gruž is a small, camouflage-painted boat. The plaque attached to its side names it as the *Sveti Vlaho* (St. Blaise): 'The first battleship of the Croatian Navy task force of armed ships Dubrovnik, the symbol and pride of resistance against Serbo-Montenegrin aggression on our town ...' Alongside is a memorial to 15 men who died during that war.

But that story doesn't belong here, and isn't for me to tell.

What does belong to me are memories of: strap hanging on the bus from Gruž to Dubrovnik itself; drinking coffee on a terrace with a picture postcard view of the old city; watching lightning storms playing along the coast and out to sea – no wind, no rain, just almost unearthly firework displays; a top-floor room in the heart of the old town, somewhat basic but with a view across many-hued terracotta tiles; freshly baked bread, local cheese, the sweetest of tomatoes, clusters of ripe grapes, necklaces of dried figs, the scent of fresh strawberries and the smell of newly landed fish; eating lunch in the sun under the massive walls of the Fortress of St. Ivan; looking westwards from yet another fortress (Lovrijenac) across an empty sea to the far horizon where, dark against the haze, is the small shape of a passing ship; sitting on the balcony of our room at the Petka, watching the arrival and departure of all manner of ships – small sail boats, expensive 'gin palaces', ferries, monster cruise liners.

And here is – possibly – the snake in paradise. What in our neighbourhoods we've got used to calling the impact of a transient population. We know what it means for us. We're also well versed in the arguments about the benefits and disadvantages of our transient populations, so the question posed in this headline: 'Great Damage or Unlimited Benefits?' is a familiar one. The difference is that the headline appeared the other day on the Port of Dubrovnik website and refers to some recent (highly controversial) research which seems to indicate that passenger cruise ships do more damage to the environment than they bring benefits.

I don't even begin to feel competent to delve into the intricacies of this argument. The one at home is complicated enough. But, in listening to people from in and around Dubrovnik talk about their homes and their lives, I've been left with a strong sense of empathy with the problems they voice: young families not being able to afford to buy a home; homes being converted into holiday apartments; a surfeit of restaurants and cafes and shops selling mementoes to cruise ship passengers who perhaps stop long enough to have a cup of coffee and buy some souvenirs before a fleet of coaches takes them straight back to their floating, air-conditioned communities.

All rather familiar, isn't it, and sad?

Editor's Postscript: Personal thanks from my husband and myself to the staff of the Hotel Petka and the Restaurant Nostromo for good food, wonderful wine and the sort of welcome that makes you feel as if you've arrived home again.

Venice

The Shape of Things to Come

As the place where the adventure began – and ended – my memories of Venice itself are vague and incomplete. So, I'm prepared to confess that I've never given La Serenissima either the attention or the praise she deserves.

Whilst my arrival in Venice in 1970 had been full of anticipation of what was to come my recollections my recollections of my return a fortnight later are also of a return to the same disorientated state of mind I'd been in when the *Liburnija* had first sailed out into the Adriatic.

Not the frame of mind to take in the architecture of St. Mark's Square or admire the bronze horses on the Basilica's façade.

Certainly not the frame of mind to deal with the reality of a seemingly infinite number of zeros associated with the price of a postcard, let alone that of a cup of coffee!

I don't think there had been newspapers on the ship. I certainly never saw one. So it was only as I reached the 'plane chartered to take us back to Gatwick that I began to realise

that in our absence the real world had been changing. By how much soon became only too obvious

Boarding the outbound flight at Heathrow had been purely a matter of getting myself and my handbag on to the plane and into my seat. However, before the return journey each passenger was handed a tray by one of the cabin crew and asked to empty out the contents of pockets and handbags.

Although I can remember quite clearly what my handbag looked like (brown suede and lizard skin), I can't remember the contents. Just my acute embarrassment at having them exposed to public view.

What I did not know then and could not have imagined, was that this, with hindsight rather amateur attempt at security screening, was merely the shape of things to come.

As I know now, 40 years on, airport security means a good deal more than the contents of a handbag being open to the not at all casual scrutiny of strangers.

And what of the *Liburnija*?

I left her that morning moored exactly where she had been when I'd first seen her – waiting – while her officers and crew readied her and themselves for the new passengers, even now on the first leg of their flight from Heathrow to begin their 'voyage of discovery'.



The *Liburnija*, Morning Arrival at Gruž Harbour, Dubrovnik, September 2010: Photograph courtesy of & ©M.R.J. Fletcher

Thank you & Adio Liburnija