



**CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL**

GWŶS I GYFARFOD O'R CYNGOR

C.Hanagan
Cyfarwyddwr Materion Cyfathrebu a Phennaeth Dros Dro'r Gwasanaethau
Llywodraethol
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf
Y Pafiliynau
Parc Hen Lofa'r Cambrian
Cwm Clydach CF40 2XX

Dolen gyswllt: Ms J Nicholls -Uwch Swyddog Gwasanaethau Democrataidd (01443 424098)

DYMA WŶS I CHI i gyfarfod o **PWYLLGOR CRAFFU - CYNNAL GWASANAETHAU CYHOEDDUS, CYMUNEDAU A FFYNIANT** yn cael ei gynnal yn **Council Chamber, The Pavilions, Cambrian Park, Clydach Park, Tonypandy, CF40 2XX** ar **DYDD IAU, 7FED CHWEFROR, 2019** am **5.00 PM.**

Caiff Aelodau nad ydyn nhw'n aelodau o'r pwyllgor ac aelodau o'r cyhoedd gyfrannu yn y cyfarfod ar faterion y cyfarfod er bydd y cais yn ôl doethineb y Cadeirydd. Gofynnwn i chi roi gwybod i Wasanaethau Democrataidd erbyn Dydd Mawrth, 5 Chwefror 2019 trwy ddefnyddio'r manylion cyswllt uchod, gan gynnwys rhoi gwybod a fyddwch chi'n siarad Cymraeg neu Saesneg.

AGENDA

Tudalennau

1. DATGAN BUDDIANT

Derbyn datganiadau o fuddiannau personol gan Aelodau, yn unol â gofynion y Cod Ymddygiad.

Nodwch:

1. Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw; a
2. Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, mae rhaid iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

2. COFNODION

Derbyn cofnodion cyfarfod blaenorol y Pwyllgor Craffu – Cynnal Gwasanaethau Cyhoeddus, Cymunedau a Ffyniant a gafodd ei gynnal ar 10 Rhagfyr 2018.

3 - 8

3. CANLLAWIAU CYNLLUNIO ATODOL - TAI AMLFEDDIANNAETH

Ystyried effaith ac effeithiolrwydd Canllawiau Cynllunio Atodol y Cyngor ar gyfer Tai Amlfeddiannaeth mewn perthynas â gwneud penderfyniadau.

9 - 72

4. Y BROSES STATUDOL AR GYFER SYMUD CARAFANAU A RHWYSTRAU ERAILL O'R BRIFFORDD

Derbyn gwybodaeth ynglŷn â'r broses statudol ar gyfer symud Carafanau a rhwystrau eraill o'r briffordd.

73 - 82

5. GORFODI RHEOLAU PARCIO SIFIL

Derbyn adroddiad ar broses Gorfodi Rheolau Parcio Sifil y Cyngor.

83 - 88

6. BUSNES BRYS

To consider any items, which the Chairman, by reason of special circumstances, is of the opinion should be considered at the meeting as a matter of urgency.

Cyfarwyddwr Materion Cyfathrebu a Phennaeth Dros Dro'r Gwasanaethau Llywodraethol

Cylchreliad:-

(Y Cyngorwyr Bwrdeistref Sirol Y Cyngorydd S Bradwick a Y Cyngorydd T Williams – Cadeirydd ac Is-gadeirydd, yn y drefn honno)

Y Cyngorwyr Bwrdeistref Sirol:

Y Cyngorydd M Weaver, Y Cyngorydd G Stacey, Y Cyngorydd A Chapman, Y Cyngorydd Owen-Jones, Y Cyngorydd W Treeby, Y Cyngorydd M Fidler-Jones, Y Cyngorydd D Grehan, Y Cyngorydd E George, Y Cyngorydd G Hughes, Y Cyngorydd W Owen, Y Cyngorydd S Pickering, Y Cyngorydd E Stephens and Y Cyngorydd A Fox

Mae'r cofnodion hyn yn amodol ar gymeradwyaeth yng nghyfarfod priodol nesaf y Pwyllgor

These Minutes are subject to approval at the next appropriate meeting of the Committee.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

PUBLIC SERVICE DELIVERY, COMMUNITIES & PROSPERITY SCRUTINY COMMITTEE

Minutes of the meeting held at the Council Headquarters, The Pavilions, Clydach Vale, on Monday, 10th December 2018.

PRESENT

County Borough Councillor S. A. Bradwick – in the Chair

County Borough Councillors

A. Chapman	D. Owen-Jones
M. Fidler Jones	S. Pickering
E. George	W. Treeby
D. Grehan	M Weaver
W. Owen	

Officers

W. Edwards – Head of Community Services

Mr S. Humphreys – Head of Legal, Planning & Environment

J. Nicholls – Senior Democratic Services Officer

23. CHAIR'S REMARKS

The Chair advised Committee that Councillor A S Fox would replace Councillor M. Diamond as a member of the Public Service Delivery, Communities and Prosperity Scrutiny Committee. The Chair expressed his thanks to Councillor Diamond for his contributions to Scrutiny.

It was **RESOLVED** that a letter of thanks be sent to Councillor M. Diamond on behalf of the Committee.

24. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors A S Fox, G. Hughes, G. Stacey and T. Williams.

25. DECLARATIONS OF INTEREST

RESOLVED -In accordance with the Code of Conduct, there were no personal declarations of interests made, pertaining to the agenda.

26. MINUTES

RESOLVED – to approve as an accurate record the minutes of the meeting of the Public Service Delivery, Communities and Prosperity Scrutiny Committee held on the 15th November 2018.

27. REPORT OF THE DIRECTOR OF LEGAL & DEMOCRATIC SERVICES – MALADMINISTRATION & COMPLAINTS

The Head of Legal, Planning & Environment presented the report of the Director of Legal & Democratic Services in respect of the complaints of maladministration made to the Public Service Ombudsman for Wales (PSOW) for the period 2017/18.

The Head of Legal referred Committee to the recommendations and asked Members to consider the information within the annual report specific to Rhondda Cynon Taf. It was confirmed that the total number of complaints received by the PSOW and taken into investigation in respect of RCT had decreased from 47 for the period 2016/17 to 36 for 2017/18 against the local authority average of 60. Of the 36 complaints and as reflected in the previous year, 10 relate to Children's Social Services, 5 to Environment & Environmental Health and 4 to Planning and Building Control. The Head of Legal confirmed that no public interest reports relating to the local authority were issued during the period.

In conclusion, Committee requested that a breakdown in respect of the complaints made to the PSOW relating to the Service areas of Environment & Environmental Health and Planning and Building Control is provided to the next Public Service Delivery, Communities and Prosperity Scrutiny Committee.

RESOLVED to:-

1. Acknowledge the information contained within the Annual Report and Annual Letter from the Public Service Ombudsman for Wales in respect of complaints and cases of maladministration investigated by the PSOW for 2017/18; and
2. Receive a breakdown of the complaints made to the PSOW in 2017/18 relating to the Service areas of Environment & Environmental Health and Planning and Building Control to review at the next meeting of the Public Service Delivery, Communities and Prosperity Scrutiny Committee.

28. TRANSFORMATION OF THE MOBILE LIBRARY SERVICE

The Head of Community Services presented the report of the Director Public Health, Protection and Community Services in respect of the transformation of the Council's mobile library service with a view to providing Scrutiny with information

on the plans for implementation following approval by the Cabinet at its meeting held on the 22nd March 2018.

The Head of Community Services provided Scrutiny with an overview of the proposals, agreed by Cabinet, such as the reduction of the number of existing vehicles used for the delivery of the Mobile Library Service from three to two. It was clarified that the investment in two new purpose built vehicles, which includes on board access to Wi-Fi is a consequence of the original vehicles breaking down for a significant period resulting in an unreliable service for the residents of Rhondda Cynon Taf. Likewise, the proposal to reduce the number of stops to 48 longer stops of 2.5 hours every three weeks is to maximise the use of the on board Wi-Fi facility and use the vehicles as outreach community hubs although it was stressed that the service will continue to offer access to many books, e-books and other printed material.

As over 70% of current users of the mobile library service are over 65 years old and many over 80 years old, an impact assessment was undertaken which determined that the eligibility criteria for the former Housebound Service should be extended so that the reduction in the number of stops would not have an adverse effect on those residents who need to use the service. The proposal to rebrand the current service to the @HomeLibraryService would reflect the changes and ensure that the service is accessible to all those housebound residents, anyone who is unable to leave their homes such as full time carers and any resident with a disability.

The Head of Community Services reported on the results of the eight week consultation, held between the 8th May and 3rd July 2018, which were received at the Cabinet meeting held on the 20th September 2018 and available to Scrutiny via the link within the report. A total of 389 consultation responses were received, the majority stating that they considered the mobile library to be a good service.

Scrutiny was informed that the Head of Community Services had contacted a number of other local authorities to establish how they have progressed their mobile library services; only fourteen other local authorities retain a mobile library service one of which is delivered wholly by volunteers. The Head of Community Services assured Scrutiny that Rhondda Cynon Taf is looking to retain its mobile library provision to provide access to a range of books and reading materials for people of all ages who do not live near a static library. It was reported that the new vehicles have disabled access to the rear, which will require consideration when taking the vehicles out to the community and identifying central stops.

Currently, other Council services such as Communities for Work Plus or the One4All Centres are being contacted to establish whether they would like a presence on the mobile libraries and marketing of the new model of delivery is underway and the new model of delivery will be in place by the 11th February 2019. With regard to the suitability and practicality of the new timetable, consultation has taken place with the Unions (who have been involved with the process to date), Elected Members (via email) and the drivers themselves who understand the needs of the local community.

In conclusion, the Head of Community Services assured Scrutiny that compulsory redundancies will not be necessary, as there are currently vacancies available in other areas of the library service and where volunteers are involved in the service they add value to the work of the permanent staff such as collating the obituaries rather than replacing staff. In the future, a training programme will up-skill staff who remain in the mobile library service.

A Member felt that Scrutiny had already discussed some of the issues raised and questioned the purpose of the consultation process as it appeared that the proposals differ from the views of the residents and mobile library users. They also raised concerns at the reduction and irregularity of the stops, which may exclude some existing customers. They suggested that a more consistent timetable could benefit the residents of RCT. In response, the Head of Community Services acknowledged that the proposals may differ from the consultation responses in some cases, however, stressed the importance of creating a mobile library service that is sustainable for the future and will attract new customers; changing the model delivery will ensure the service moves forward. The Head of Community Services assured Scrutiny that a number of factors have been taken into consideration to devise a timetable and identify the most appropriate stops, such as the numbers of those residents currently using the system, those using the @home service, the location of the static libraries (there won't be a mobile library service within one mile of a static library) and the local knowledge of Elected Members and drivers. Members were reminded that they would shortly receive a timetable of the mobile library stops for their information.

Following consideration of the report it was **RESOLVED** to:-

1. Acknowledge the information contained within the report;
2. As Elected Members, receive a timetable with confirmed locations in due course; and
3. Continue to receive progress updates in respect of the Council's mobile library service to inform the future Scrutiny work programme.

29. WELSH PUBLIC LIBRARY STANDARDS ANNUAL REPORT 2017/18

The Head of Community Services advised Scrutiny that it was not possible to publish Rhondda Cynon Taf's draft Welsh Public Library Standards Assessment for 2017/2018 due to a delay on the part of Museums, Archives and Libraries Wales who administer the Welsh Public Library Standards reports. Although information in respect of the Rhondda Cynon Taf assessment is available, a comparison with other local authorities would not be until the New Year when it is anticipated the full report would be brought before this Scrutiny Committee.

By means of a power point presentation, the Head of Community Services outlined the sixth framework, which consists of 12 core entitlements and 16 quality indicators, of which 10 have outcome targets. The results relating specifically to Rhondda Cynon Taf were presented, all 12 core entitlements were met, 5 quality indicators were met in full, 1 was partially met and 4 the local authority no longer meets.

In conclusion, the Head of Community Services stated that the results had reflected a mixed performance but reminded Scrutiny of the key aspects of the library service which have been retained such as Schools Library Service as well as the mobile and housebound service (@homelibraryservice). There has been investment in community hubs and new buildings in Rhydyfelin and Taff Vale, the latter opening in 2020; the long-term benefits of the investments would be realised in due course.

A Member asked whether there was opportunity for local businesses to support the Library Service in terms of offering financial assistance or purchasing books for the book fund in return for advertising their business. In response, the Head of Community Services welcomed the idea of local businesses supporting the service, buying books and renting out rooms in the libraries but advised that the Public Libraries Act would prevent any form of advertising in return for business sponsorship.

A number of 'Friends of Library' groups have been set up with further promotion of the library service to encourage new members. Committee learned that as part of the Welsh Government initiative, all Year 6 pupils are provided with their library cards although it was discussed that perhaps this could be done earlier to encourage younger readers. The Schools Library Service works closely with Primary School aged children with engagement via the SLA's and recently the service has employed a graduate officer who is looking at the digitalisation of collections.

Following a request for information, the Head of Community Services confirmed that the numbers of children under the age of 18 years who are members of the RCT libraries would be provided to all Committee members following the meeting.

Following discussions, it was **RESOLVED**:-

1. To acknowledge the Rhondda Cynon Taf's draft Welsh Public Library Standards Assessment 2017/2018 with a view to the full position being reported in January 2019; and
2. To receive information in respect of the numbers of children under 18 years who are members of RCT libraries.

Chair
S. A. Bradwick

The meeting closed at 6.40pm

Tudalen wag



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2018/19

**PUBLIC SERVICE DELIVERY,
COMMUNITIES & PROSPERITY SCRUTINY
COMMITTEE**

31st January 2019

**REPORT OF THE DIRECTOR OF
REGENERATION, PLANNING & HOUSING**

Agenda Item No: 3

**SUPPLEMENTARY
PLANNING GUIDANCE- HOUSES
IN MULTIPLE OCCUPATION
(HMO's)**

Author: Simon Gale, Service Director of Planning

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise Committee of the impact and effectiveness, in making planning decisions, of the Council's Supplementary Planning Guidance (SPG) for Houses in Multiple Occupation (HMOs), which was published in May 2018 following its adoption by Cabinet at the 10 May 2018 meeting which followed an exercise of publicity and consultation with appropriate stakeholders.

2. RECOMMENDATIONS

- 2.1 It is recommended that Members of the Public Service Delivery, Communities and Prosperity Scrutiny Committee scrutinise the content of the report.

3. BACKGROUND

- 3.1 A copy of the report considered at the 10 May 2018 meeting of Cabinet is attached as Appendix 1 to the report.
- 3.2 Cabinet were advised before approving the SPG for formal adoption that evidence collected by officers has indicated that there is an over concentration of HMOs in some parts of Treforest which in turn leads to a range of issues that can undermine the social cohesion of the community in that area. At the time officers further indicated that landlords were continuing to propose the creation of new HMOs in the area and that the Council had been unsuccessful in resisting these proposals

through the planning process and has lost a number of appeals to the Planning Inspectorate.

- 3.3 It was considered that formally adopted SPG would be a tool that could be used to assist in the consideration of planning applications both in terms of resisting applications for inappropriate HMOs or HMOs in areas that have already got high concentrations and also assist in raising the standard of.
- 3.4 Between February 2016 when the changes to the Use Classes Order, which introduced the C4 Class in Wales were introduced and May 2018 when the SPG was adopted and published the Council received 11 decisions from the Planning Inspectorate in relation to planning appeals lodged following a refusal of planning permission by the Council.
- 3.5 Of these 11 cases 10 (or 91%) were allowed and planning was granted. The sole case dismissed was done so on the basis of the Inspector concluding that although the proposal would not be detrimental to the character and appearance of the area would not create significant parking problems the internal layout would create unsatisfactory living conditions for the occupiers of the proposal and as such would conflict with Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the SPG (which at that stage was in 'draft' form only).
- 3.6 A common thread to the above appeal decision letters issued by the Planning Inspectorate was that the appointed Inspector in each case did not as a matter of principle disagree that the concentration of properties occupied by non-family households had the potential to attract problems associated with social cohesion, litter / refuse management and anti-social behaviour. However, it was noted that Council had no formally adopted approach as to the threshold beyond which the concentration of HMOs would cause demonstrable harm to the character and appearance of the local area. Accordingly, the Inspector's expressed the view that they considered that there was insufficient evidence to demonstrate that the proposed change of use would lead to an over-concentration of HMOs resulting in significant harm to the character and appearance of the area such that planning permission should be withheld on this basis.

4. UPDATE / CURRENT POSITION

- 4.1 Since the adoption and publication of the SPG in May 2018 the Council has received a further 3 appeal decisions which have followed the refusal of planning applications seeking a change of use from a Class C3 (dwelling) to a Class C4 (HMO).
- 4.2 In all 3 (or 100%) cases:
 - 14 Llantwit Road, Treforest (appeal decision dated 05/10/18);
 - 43 Tower Street, Treforest (appeal decision dated 08/10/18); and,
 - 76 Queen Street, Treforest (appeal decision dated 14/01/19)

the appeals have been dismissed by the appointed Inspector.

- 4.3 Within the text of the appeal decision letter for the case at 14 Llantwit Road the Inspector states:

*“The SPG was adopted in May 2018 following public consultation and I **afford the guidance substantial weight** in accordance with the advice in paragraph 2.3.4 of Planning Policy Wales (edition 9). One of the main purposes of the SPG is to identify when it is deemed that the concentration of HMOs in an area has reached a level considered to have an adverse effect on the community”.* (my bold emphasis)

- 4.4 The same Inspector considered the appeal for the case at 43 Tower Street and included the same comment as quoted above within that decision letter also.

- 4.5 In respect of the case at 76 Queen Street the appointed Inspector comments that:

*“The Council’s Supplementary Planning Guidance (SPG) document entitled ‘Houses in Multiple Occupation (HMOs)’ was adopted in May 2018 following public consultation. I acknowledge that the LDP should not delegate the criteria for decisions on planning applications to the SPG which should only contain guidance and advice. I have treated the document as providing no more than guidance which can assist in the assessment of applications for HMO developments including the application of LDP policy H5. Therefore, it provides a context upon which to implement adopted development plan policy rather than attempting to introduce new policy, and I **afford it considerable weight**.*

*One of the main purposes of the SPG is to identify when it is deemed that the concentration of HMOs in an area has reached a level considered to have an adverse effect on the community. When applied to the ward affected by the appeal proposal, Policy HMO 1 of the SPG identifies an upper threshold of 20% of HMOs within a 50 metre radius of the application site. Beyond that threshold the SPG indicates that HMOs should be resisted. **Despite affording it substantial weight, I recognise that the SPG document represents guidance only and that such figures should not be treated as prescriptive.**”* (again, my bold emphasis).

- 4.6 Whilst Inspectors in the above cases have clearly given the SPG significant weight in considering the appeals before them they do recognise and point out that the SPG is only considered to represent guidance and that it does constitute policy which should be properly incorporated within the Council’s Local Development Plan (LDP).

- 4.7 The weight seemingly afforded to the SPG by each Inspector is to be welcomed. However, their observations regarding the need to distinguish difference between ‘guidance’ and ‘policy’ is noted and the future need to incorporate policy within a reviewed LDP is recognised.

5. EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1. This does not relate to this report, however, an Equalities Impact Assessment scoping exercise was undertaken as part of the initial Cabinet process and this indicated that there would be no such implications.

6. CONSULTATION

- 6.1. This does not relate to this update report, however, a broad consultation took place in the preparation of the Draft SPG and was undertaken as part of the initial Cabinet process.

7. FINANCIAL IMPLICATIONS

- 7.1 This does not relate to this update report, however, the costs will be met from existing budgets.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 The SPG will be a significant material consideration in the determination of planning applications and appeals relating to HMOs.

9. LINKS TO THE COUNCIL'S CORPORATE PLAN / OTHER CORPORATE PRIORITIES / FUTURE GENERATIONS - SUSTAINABLE DEVELOPMENT

- 9.1 The HMO SPG will support the Corporate Plan across People, Place and Economy by ensuring that established communities are not displaced and cohesion undermined by concentrations emerging of housing for short-term residents. The HMO SPG will also help the Council to ensure that communities can sustain their facilities and amenities and can retain their vibrancy by preventing the emergence of concentrations of HMO, in accordance with the Single Integrated Plan. As the SPG is designed to avoid the negative effects on neighbourhoods of concentrations of HMO, it will contribute to achieving well-being objectives.

10. CONCLUSION

- 10.1 It was evident from the allowed planning appeal decisions issued by the Inspectorate prior to the adoption of the SPG that the Council needed to be able to properly evidence its reasons for refusing planning permission for changes of use to Class C4 HMO properties. Since the adoption and publication of the SPG the Council has been successful in defending its decisions and as noted above Inspectors have afforded the SPG 'significant weight' in the consideration of these appeals. It is recognised, however, that future review of the Council's LDP does need to incorporate policy in respect of the issues generated by a concentration of HMO proposals in an area, such as demonstrated by Treforest.



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

10TH MAY 2018

**SUPPLEMENTARY PLANNING GUIDANCE
HOUSES IN MULTIPLE OCCUPATION**

**REPORT OF THE DIRECTOR OF REGENERATION, PLANNING AND HOUSING IN
DISCUSSIONS WITH THE CABINET MEMBER FOR ENTERPRISE, DEVELOPMENT
& HOUSING COUNCILLOR R BEVAN.**

Author: Simon Gale, Service Director Planning: Tel 01443 281114

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to inform Cabinet of the outcome of the public consultation on the Draft Supplementary Planning Guidance (SPG) for Houses in Multiple Occupation (HMOs); to seek approval of the record of consultation and the responses to the representations and to adopt the amended SPG document.

2. RECOMMENDATIONS

- 2.1 It is recommended that Cabinet:
- a) agrees the consultation record and the responses to the consultation representations; and (Appendix 1)
 - b) adopts the Supplementary Planning Guidance, *Houses in Multiple Occupation (HMOs)* for planning policy purposes. (Appendix 2)

3. REASONS FOR RECOMMENDATIONS

- 3.1 Evidence collected by officers has indicated that there is an over concentration of HMOs in some parts of Treforest which in turn leads to a range of issues that can undermine the social cohesion of the community in that area. Evidence also shows that landlords are continuing to propose the creation of new HMOs in the area and

at present the Council has been unsuccessful in resisting these proposals through the planning process and has lost a number of recent appeals to the Planning Inspectorate. Supplementary Planning Guidance is one tool that can be used to assist in the consideration of planning applications both in terms of resisting applications for inappropriate HMOs or HMOs in areas that have already got high concentrations and also assist in raising the standard of new HMOs and guiding any future HMOs to the most appropriate locations. Following on from the public consultation exercise, this report seeks Cabinet approval to approve the consultation responses and consultation record and to adopt the HMO SPG.

- 3.2 Supplementary Planning Guidance (SPG) is non-statutory supporting information and advice that supplements the policies and proposals within the LDP. Supplementary Planning Guidance will be a significant material consideration in determining planning applications and appeals and can relate to specific topics and sites.

4. BACKGROUND

- 4.1 Cabinet approved the draft HMO SPG for consultation on the 19th December 2017. The public consultation process is now complete.

5. CONSULTATION PROCESS

- 5.1 The Council published the HMO SPG for consultation for 8 weeks between the 25th January and the 23rd March 2018. The Council wrote directly to 285 consultees via email. These included landlords, agents and charities; local transport operators; statutory/general consultees; Councillors; Council Departments; 12 Community Council's; the University and the Residents Association. Full details of the consultation exercise are contained within the Consultation Report attached at Appendix 1.
- 5.2 Cabinet also requested in their December 2017 meeting that the Council's Public Service Delivery, Communities & Prosperity Scrutiny Committee were formally consulted for their views on the SPG. The SPG was considered by that Committee on 22nd March and the Committee resolved to support the adoption of the SPG.

A full report of the consultation process is attached at Appendix 1.

- 5.3 The consultation period ended on the 23rd March. The Council received 6 representations and the responders were: Glamorgan Gwent Archaeological Trust, National Resources Wales, South Wales Police, Treforest Residents Association, Rhondda Cynon Taf Highways Department and The Landlords Letting Company. The main issues arising from these were:

- General support for the SPG.

- A request to include further design guidance relating in particular to standards and security and to cross-reference crime and disorder advice in the SPG as the prevention of crime can be a material consideration in any planning issues. (South Wales Police)
- A request to reduce the stated percentage threshold from **20%** to **10%** in Draft Policy HMO 1, relating to Treforest. (Treforest Residents Association)
- A request for the removal of policy HMO 4 as the consultee feels that it is unacceptable to allow further HMOs in areas of high concentrations of HMOs. HMO 4 relates to provisions that prevent homeowners being locked into areas of extremely high concentrations of HMOs. (Treforest Residents Association)
- A request to change the licensing regulations in relation to more than 2 unrelated people needing a license in light of the SPG. (The Landlords Letting Company)

5.4 Responses to these representations are summarised as follows;

- **Design Guidance** – The purpose of the SPG is not itself to become a design based document; rather it more geared towards the suitability and principle of the conversion of homes into HMO. However there are significant requirements set out in the National Planning Policy, Local Development Plan Policy and other existing SPG which are referenced in the proposed SPG, which, along with other regulations should ensure that physical alterations involved in any conversion would be appropriately considered.
- **Crime and Disorder** - It is accepted that certain further National Planning Policy references, relating particularly to crime and safety in design, can be included in the SPG. These changes are highlighted at Appendix 2
- **10% Threshold** - The primary reasons for the identification of the 20% concentration threshold of HMO's in Treforest is outlined in detail in the SPG. It is primarily in response to the relatively high level of concentrations in Treforest (on average above 30%) compared to the rest of RCT. As such, there is an evidential need to take a different approach to the planning control of HMOs in Treforest and the proposed 20% threshold gives due consideration to the proximity of the University of South Wales and the need for student accommodation close to this facility which itself has significant benefits for the whole of RCT. The SPG can be kept under review and if in the future the percentage of HMO's in Treforest were to reduce then the threshold can also be reduced accordingly. At this stage, it is not considered necessary or appropriate to reduce the threshold to 10% in Treforest.
- **Policy HMO 4** – The purpose of this provision was to guard against homeowners being unable to sell their house and becoming 'locked in' to an area already saturated with HMO properties through a refusal of planning permission based on the 20% threshold policy. The further effect of an additional HMO in an area with over 80% HMO's already was not seen to

create so much of a significant and unacceptable effect compared to the impact of a homeowner being 'locked in'.

- **Licensing** – The SPG in itself cannot bring about changes in the licensing regime and the representations about making such changes have been forwarded to the Council's Licencing Team for further consideration.

5.5 In light of the above, it is proposed that the only amendments be made to the Draft HMO SPG are those relating to references to National Planning Policy on crime and safety in design being included in the document.

Full copies of the representations and all full Council responses to them are included in Table 1 of the consultation report which is attached as Appendix 1

6. EQUALITY AND DIVERSITY IMPLICATIONS

6.1. An Equalities Impact Assessment scoping exercise has been undertaken that indicates that there would be no such implications. (Appendix 3)

7. CONSULTATION

7.1. Broad consultation took place in the preparation of the Draft SPG. This has included discussions with and research of other Local Planning Authorities and with internal departments within Rhondda Cynon Taf, including Highways Building Control and Housing Strategy. This 8 week consultation process (as set out in paragraphs 5.2 – 5.4 above) constitutes the formal consultation process required to adopt this Supplementary Planning Guidance for use as planning policy.

8. FINANCIAL IMPLICATIONS

8.1 Costs will be met from existing budgets.

9. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

9.1 The SPG will be a significant material consideration in the determination of planning applications and appeals relating to HMOs.

10. LINKS TO THE COUNCIL'S CORPORATE PLAN / OTHER CORPORATE PRIORITIES / FUTURE GENERATIONS - SUSTAINABLE DEVELOPMENT

10.1 The HMO SPG will support the Corporate Plan across People, Place and Economy by ensuring that established communities are not displaced and cohesion undermined by concentrations emerging of housing for short-term residents. The HMO SPG will also help the Council to ensure that communities can sustain their

facilities and amenities and can retain their vibrancy by preventing the emergence of concentrations of HMO, in accordance with the Single Integrated Plan. As the SPG is designed to avoid the negative effects on neighbourhoods of concentrations of HMO, it will contribute to achieving well-being objectives.

11. CONCLUSION

- 11.1 Evidence suggests there is an over concentration of HMOs in some parts of Treforest which in turn leads to a range of issues that can undermine the social cohesion of the community in that area. The Council has been unsuccessful in resisting these proposals through the planning process and has lost a number of recent appeals to the Planning Inspectorate. Supplementary Planning Guidance is one tool that can be used to assist in the consideration of planning applications both in terms of resisting applications for inappropriate HMOs or HMOs in areas that have already got high concentrations. It can also assist in raising the standard of new HMOs and guide any necessary future HMOs to the most appropriate locations, as they can play an important role in the affordable housing market.
- 11.2 Having fully considered the representations that have been made, and amended the SPG where appropriate, it is recommended that Cabinet agree the responses made to the representations received during the consultation along with the record of consultation and adopt the document *Supplementary Planning Guidance for Houses in Multiple Occupation*.

Other Information:-

Relevant Scrutiny Committee

Public Service Delivery, Communities & Prosperity

Contact Officer

Simon Gale, Service Director of Planning. 01443 281114

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

10TH MAY 2018

**REPORT OF THE DIRECTOR OF REGENERATION, PLANNING AND HOUSING IN
DISCUSSIONS WITH THE CABINET MEMBER FOR ENTERPRISE DEVELOPMENT
AND HOUSING COUNCILLOR ROBERT BEVAN**

Item:

Background Papers

- Appendix 1 - Supplementary Planning Guidance: Houses in Multiple Occupation (HMO) -- Consultation Record April 2018
- Appendix 2 - Supplementary Planning Guidance
- Appendix 3 - Equality Impact Assessment Form

Officer to Contact: Simon Gale, Service Director of Planning. 01443 281114

Appendix 1

RHONDDA CYNON TAF LOCAL DEVELOPMENT PLAN 2011-
2021

**SUPPLEMENTARY PLANNING
GUIDANCE:**

**Houses in Multiple Occupation
(HMO)**

Consultation Record

April 2018

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APPEDIX 4 - Poster

APPENDIX 5 – Presentation to Treforest Housing Market and Landlord Event

1.0 Summary

On the 25th January until the 23rd March 2018 Rhondda Cynon Taf County Borough Council issued for public consultation Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation (HMOs).

The purpose of this document is to provide a record of the consultation undertaken including the methods of consultation and publicity, a list of those consulted and the number and content of representations received to the draft SPG document.

2.0 Introduction

2.1 The Council published its draft SPG on the 25th January 2018. This document is a record of the engagement and consultation process that the Council undertook in accordance with its Community Involvement Scheme (CIS).

Rhondda Cynon Taf Council adopted its Local Development Plan (LDP) in March 2011. The LDP seeks to ensure that new development is located in sustainable areas and is of a high standard. The overall vision of the LDP is that Rhondda Cynon Taf will be a County Borough of opportunity. That means working together to enable individuals and communities to achieve their full potential in terms of both their work and social life. The development of supplementary planning guidance will help to support the policies within this plan and therefore support the aims of the vision.

2.2 Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) is non-statutory supporting information and advice that supplements the policies and proposals within the Local Development Plan (LDP). Supplementary Planning Guidance can factor as a material consideration in determining planning applications and appeals and can relate to specific topics and sites.

2.3 The need for Supplementary Planning Guidance

The HMO SPG will support the Corporate Plan across People, Place and Economy by ensuring that established communities are not displaced and cohesion undermined by concentrations emerging of housing for short-term residents. The HMO SPG will also help the Council to ensure that communities can sustain their facilities and amenities and can retain their vibrancy by preventing the emergence of concentrations of HMO, in accordance with the Single Integrated Plan. As the SPG is designed to avoid the negative effects on neighbourhoods of concentrations of HMO, it will contribute to achieving well-being objectives.

Evidence collected by officers has indicated that there is an over concentration of HMOs in some parts of Treforest which in turn leads to a range of issues that can undermine the social cohesion of the community in that area. Evidence also shows that landlords are continuing to propose the creation of new HMOs in the area and at present the Council has been unsuccessful in resisting these proposals through the planning

process and has lost a number of recent appeals to the Planning Inspectorate. Supplementary Planning Guidance is one tool that can be used to assist in the consideration of planning applications both in terms of resisting applications for inappropriate HMOs or HMOs in areas that have already got high concentrations and also assist in raising the standard of new HMOs and guiding any future HMOs to the most appropriate locations.

Treforest has seen significant demographic changes in the past 25 years and in particular a significant increase in the number of HMOs in the community, much of which has been in response to the expansion of the University of South Wales (previously University of Glamorgan) and the demand for accommodation to meet the needs of an increasing number of students. The University has relatively limited accommodation of its own (mainly for first year students), which has led to the demand for student accommodation in close proximity to the Treforest campus. There were 20,350 undergraduate and post graduate students at the University in Treforest in 2012/13, a 16% increase from the 2000/01 figure of 17,535. However, it should also be acknowledged that the University is a very important asset for Rhondda Cynon Taf. Indeed, many of these students that have been attracted to the University are from the UK and overseas, bringing considerable investment into the area and the wider County Borough. Furthermore, the University of South Wales helps promote the pivotal status of the wider Pontypridd area in the Cardiff Capital Region, whilst it is also a significant local and regional employer.

It is accepted that HMOs can serve a useful purpose in providing accommodation for certain groups such as students temporarily resident in a locality and generally for people who are unable to afford self-contained accommodation. However, concerns can arise with the existence of HMOs because of the transient nature of many tenancies, many residents on low incomes and/or from vulnerable groups, the intensive use of shared facilities and lack of interaction between residents who may be complete strangers to each other. HMO use of a house will generally be more intensive than single household use.

Evidence collected by officers both in RCT and at an all Wales level shows that where areas experience high concentrations of HMOs such as Treforest, issues then arise which include:

- Access to the area for owner occupiers and first time buyers becoming much more difficult because of increased house prices and competition from landlords, with a reduction in the number of family homes;
- Increases in anti-social behavior, noise, burglary and other crime;
- Reduction in the quality of the local environment and street scene as a consequence of increased litter, refuse and fly tipping, increased levels of disrepair and prevalent letting signs.
- A change of character in an area through tendency for increased numbers of takeaways, discount food stores, letting agencies and so on;

- Increased pressure on parking

To put this into context Treforest accounts for 94% of the HMOs within RCT and **32%** of all households within the ward are HMO. Cardiff's University area has a concentration of 28% HMOs, Swansea's is 15%, Aberystwyth is 12% and Bangor is 16%. Treforest has the highest concentration of HMOs of all the university areas in Wales without the level of infrastructure that these much larger urban areas have. It is inevitable therefore that concerns are being raised in the community of Treforest about the types of issues set out above.

The Council regularly receives complaints from residents in Treforest about anti-social behavior, proliferation of lettings boards, refuse issues (such as black bags being left out for long periods) and concerns are raised about the increasing number of students who own cars which then leads to parking issues in the area. Enforcement records show that there are a high number of refuse related investigations in Treforest (62% were related to HMOs) and town centre surveys show that Treforest has a high percentage (35%) of A3 uses (takeaways and other food and drink establishments) compared to an RCT average of 18%.

Preventing new HMOs being created is not in itself going to address the existing issues related to HMOs in Treforest and it should be noted that the Council already employs a range of initiatives in the area such as the discretionary HMO Licensing

(in addition to the mandatory Licensing under the 2004 Housing Act) and the Property Accreditation scheme.

Nevertheless, for the reasons highlighted above it is still felt appropriate to consider ways for the Council to exert more control over the demand for new HMOs in areas where there is already a significant concentration.

The recent introduction of new planning legislation means that new proposals for HMOs now need planning permission where previously traditional family homes could be converted to a HMO under permitted development rights.

Since the introduction of this new control the Council has received a number of planning applications to convert traditional homes in to HMOs. Since February 2016 when the new C4 (HMO) Class was introduced in Wales, Rhondda Cynon Taf has received nineteen applications for HMOs in the Treforest ward. Of those nineteen, 11 applications were refused permission but were subsequently overturned and allowed on appeal. A further four applications were refused and four others allowed.

One of the reasons cited by Planning Inspectors when determining these appeals is that the Council does not have a policy in its Local Development Plan (LDP) that specifically deals with HMOs, as the LDP was prepared and adopted prior to the new legalisation that brought HMOs under planning control. One of the ways in which this policy 'vacuum' can be

filled is through the introduction of Supplementary Planning Guidance on the subject of HMOs

3.0 RECORD OF CONSULTATION

3.1 *Supplementary Planning Guidance Legislation*

Local Development Plan Wales and Local Development Plan Manual

SPG does not form a part of the development plan but must be consistent with it. It may take the form of site specific guidance such as master plans, design guides or area development briefs, or thematic such as shop front guidance or detailed car parking standards. It should be clearly cross-referenced to the relevant adopted plan policy or proposal, which it supplements, and may be issued separately from the plan. It should be made publicly available and its status made clear. SPG should be prepared in accordance with an authority's CIS; consultation should involve the general public, businesses, and other interested parties and their views should be taken into account before the SPG is finalised. It should then be approved by a Council resolution. A statement of the consultation undertaken, the representations received and the authority's response to those representations should be made available with the approved SPG, either in an annex or in a separate document.

3.2 **Rhondda Cynon Taf Community involvement scheme**

The public consultation carried out on the Draft HMOs SPG is in accordance with the Council's (LDP) Community Involvement Scheme.

The Community involvement scheme states that the Council will use SPG to cover in more detail and provide numerical guidelines, to support policies and objectives during the lifetime of the Local Development Plan. This will ensure that the LDP will not become outdated quickly and will assist in terms of the Plan's flexibility. It further states that where it is not possible to prepare SPG in parallel with the Plan the *SPG will be subject to a separate formal process of consultation and adoption. A report of public consultation will be produced in respect of each piece of SPG and will be made available with the adopted piece of SPG.*

3.3 **Eight week consultation**

The Council's Cabinet approved the SPG to be put out to public consultation at their meeting of the 19th December 2017. The Council subsequently undertook an eight-week consultation on the SPG document to allow any interested party sufficient time to make a response to the consultation.

3.4 **Who was consulted?**

Planning legislation does not provide specific advice on who should be consulted on an SPG. The Council took the view that the consultation should be targeted at those individuals and organisations that the SPG might have an impact upon. The Council therefore wrote directly via email to approximately 285 organisations and individuals inviting them to comment on the SPG. These included the specific consultation bodies, Welsh Government, UK Government Departments, general consultation bodies and other consultees as listed in the Local Development Plans Wales Manual, including; house builders, housing associations, housing charities, community groups, Local Authorities, estate agents, landlords and retailers. The Council's Housing Strategy team also identified organisations and groups with a specific interest in HMOs including the Landlords Association, the University of South Wales (including the students union) and residents of the Treforest area.

Cabinet also requested that the Council's Public Service Delivery, Communities & Prosperity Scrutiny Committee were formally consulted for their views on the SPG.

3.5 Consultation Package

The package of documents published on the 25th January comprised of:

- A copy of the HMOs SPG document
- A non- technical summary of the SPG
- English representation form
- Welsh representation form

- Consultation letter/Email

3.6 Publicity and Participation

Notification emails were sent to approximately 285 consultees, the content of the email is contained in **Appendix 1**. This included Local and Government Consultation Bodies, Private Sector Organisations, Community Groups and Landlords. The consultation list is contained in **Appendix 2**

The Package of SPG documents was published on the Council's website for inspection on the 25th January 2018 and remained on the website throughout the 8 weeks consultation process. This contained advice on the availability of information, the consultation process and where additional advice, assistance and consultation material could be obtained. The website also contained editable representation forms in both Welsh and English and a link to an online questionnaire. The information was also published on the 'Get Involved' section of the Council's website. Copies of the web page are attached as **Appendix 3**.

3.7 Availability

Copies of the SPG's and associated documents were placed for inspection at the Council Offices in Sardis House Pontypridd. In addition copies were made available in the main Council Offices and all the libraries in the County Borough including the mobile library and the housebound library service.

3.8 Posters

The Council considered that the SPG might have a specific impact on the area of Treforest and wanted to ensure that there was sufficient engagement with this community, beyond the identified stakeholder bodies. A consultation pack was delivered to the Treforest Community Centre, off Kingsland Terrace, whilst posters advertising the consultation were created and put up in the following locations in order to consult as widely as possible:

- Taff Meadow Community Centre, Pontypridd, CF37 1DB
- Tesco Express, Broadway Retail Park, Treforest, Pontypridd CF37 1BT
- Papa John's Pizza, Unit 1, Broadway Retail Centre, Treforest, Pontypridd, CF37 1BH
- Costcutter, 23 Fothergill St, Pontypridd, CF37 1SG
- St Dyfrig's Catholic Church, Broadway, Pontypridd, CF37 1DB
- Barini's Bar and Grill, Broadway Retail Park, Treforest, Pontypridd CF37 1BT
- Pick and Shovel, 17 Fothergill St, Pontypridd, CF37 1SG
- Ladbrokes, 5 Fothergill St, Pontypridd, CF37 1SG
- Dominos Pizza, Broadway, Pontypridd, CF37 1DB
- Nisa convenience store, 116 Queen St, Pontypridd, CF37 1RW

4.0 Responses to the consultation

The Council received 6 consultation responses; these along with the Council's response are included in the table below.

A copy of the poster can be seen in Appendix 4.

3.9 Treforest Housing Market and Landlord Event

During the consultation period the Treforest Housing Market and Landlord event was scheduled. Officers from the Planning Policy team attended this event and were allocated a publicity stall where information about the SPG was provided, queries answered and guidance provided on both the content of the HMO SPG and the consultation process. The Service Director of Planning also gave a presentation at this event (**Appendix 5**). The team engaged with many interested parties at the event.

Furthermore, the Council's Public Service Delivery, Communities & Prosperity Scrutiny Committee met on the 22nd March and resolved to support approval of the draft SPG.

Table 1: Results of the Consultation on the draft Supplementary Planning Guidance

Organisation	Response to consultation	Council's response
Glamorgan Gwent Archaeological Trust	Unfortunately we are not in a position to respond within the timescale, as the Cadw funding for this aspect of our work is exhausted for this financial year.	Noted
National Resources Wales	<p>We note from the draft SPG document, dated January 2018, that the concentration of HMO in certain areas of RCT, particularly in the Treforest area, has reached a level where it is causing a detrimental effect on community cohesion. We understand that one of the primary reasons for producing this draft document was to identify solutions to address adverse impacts of over- concentrations of HMO in residential communities. We note from this draft document, that HMO will be considered in accordance with existing national and local policies and existing SPG, these are listed within the document.</p> <p>In consideration of the above, we do not have any comments to make in relation to this draft SPG.</p>	Noted

<p>South Wales Police</p>	<p>South Wales Police welcome the work undertaken by Rhondda Cynon Taf Council on the above document. South Wales Police believe a more informed approach will assist in achieving a higher quality and better design on all types of residential properties and believe that all residents have a right to expect that accommodation will meet certain minimum standards in respect of safety and security.</p> <p>South Wales Police recognise that Houses in Multiple Occupation (HMO's) provide an important source of housing and form part of a balanced housing provision mix.</p> <p>South Wales Police recognise concerns in some areas that HMO's can create as a result of the impact on crime, disorder, parking, nuisance and general neighbourhood cohesion. Indeed research carried out by the Police Foundation (2015) indicates that HMOs had higher burglary, violent incident and fire risks.</p> <p>Many HMOs are associated with crime and other problems due to the following factors,</p> <ul style="list-style-type: none"> • Many HMOs are occupied by groups that can be considered to be vulnerable such as students, members of ethnic minorities and low income groups. • HMOs by their very nature mean that occupants will have multiple possessions of potential value and buildings will attract multiple visitors which may 	<p>The comprehensive and constructive representations from South Wales Police to the HMO SPG are gratefully accepted. This SPG has not itself sought to become a design based document, with it more associated with the suitability and principle of conversion of property to HMO; set against the concentration of such uses in its area.</p> <p>However, Chapters 5 and 6 do give reference to relevant planning policy and guidance that all applications for HMO should accord with. These include national policies giving strategic consideration to an areas character and amenity, whilst the LDP policies give detailed criteria on design, amenity and accessibility. The SPG also requires that the standards of design set out in all other existing SPG are adhered to, in particular Design and Placemaking, Delivering Design and Placemaking – Access Circulation and Parking and Development of Flats – Conversion and New Build.</p> <p>Similarly, it is set out that all applications should also be made in accordance with the standards set out under the Council's Licensing process. Any landlord would</p>
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	<p>significantly increase the opportunities for crime, nuisance and noise.</p> <ul style="list-style-type: none"> • The more transient nature of some HMO residents mean that community links are likely to be less well developed which is likely to reduce capable guardianship (self –policing in the neighbourhood). • HMOs tend to have periods of under occupancy, vacant or part vacant properties can be more vulnerable to crime. • Many HMOs have poor quality security and safety features. • Some HMOs suffer from poor management. • High density of HMOs can act as a multiple of above factors so can influence crime and incident data for an area. <p>Because of the above factors South Wales Police would recommend that the following are specifically included in the Design Guidance.</p> <p>1 Gardens or rear yards of buildings should be made secure by walling/ fencing/ gating to a minimum height of 1.8m.</p> <p>2 All individual living areas should have lockable doors which meet PAS 24 2016 or LPS 1175 SR2 standards. This is considered to be the minimum acceptable standard for new residential properties.</p>	<p>require such a license for their HMO to become legally occupied and therefore to establish their permission.</p> <p>Accordingly, it is considered that all pertinent proposals raised in this representation are covered through the SPG, or references within it. Otherwise, we are confident that the planning process, and all other relevant national and local planning policy, building control regulations and fire regulations would will give them due consideration. However, further reference to other policy raised may be referenced in chapter 5 of the SPG, as follows;</p> <p>TAN 12 Design.</p> <ul style="list-style-type: none"> • Para 5.17.1 “Consideration should be given to practical ways in which the design of development can reduce opportunities for crime, disorder and anti-social behaviour.” <p>Planning Policy Wales:</p> <ul style="list-style-type: none"> • 4.10.12 Local Authorities under Legal Obligation to consider the
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	<p>3 All ground floor windows and accessible windows should comply with PAS 24 2016. This is the minimum security standard considered to be acceptable for new residential properties.</p> <p>4 All main entrance doors should be fitted with appropriate access control features as per minimum standards below; 1 to 4 sub divided residential dwellings manual access control (duplicated key) 5 to 10 sub divided residential dwellings audio access control 11 or more sub divided residential dwellings be fitted with audio-visual access control.</p> <p>5 Where there are shared facilities e.g. kitchen, bathroom etc there should be no more than 8 occupants sharing such facilities in order to ensure adequate supervision and ownership.</p> <p>6 Appropriate Fire Risk Assessments are in place and include adequate fire warning and prevention measures.</p> <p>7 Applicants are advised to consult with Police Design out Crime Officers prior to submitting an application.</p> <p>South Wales Police would also ask that consideration is given to making reference to the following documents which underpin the fact that Crime and Disorder issues and the prevention of crime can be a material consideration in any planning issues.</p>	<p>need to prevent and reduce crime and disorder.....</p> <ul style="list-style-type: none"> ● 8.2.1. – Transport – Provision of safe, convenient and well signed routes ● 9.1.1. –Housing – Objective to provide homes that are in good condition, in safe neighbourhoods and sustainable communities ● 9.1.2. Housing – Greater emphasis on quality, good design, and the creation of places to live that are safe and attractive
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	<p>The Crime & Disorder Act 1998 created a statutory partnership between local authorities, the police and other key partners to work together in reducing crime and disorder in all aspects of their work.</p> <ul style="list-style-type: none"> • Section 17 of the Act states: “It is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder.” • TAN 12 Design. Para 5.17.1 “Local authorities are required to have due regard to crime and disorder prevention in the exercise of their functions under Section 17 of the Crime and Disorder Act 1998. Consideration should be given to practical ways in which the design of development can reduce opportunities for crime, disorder and anti-social behaviour.” <p>Planning Policy Wales:</p> <ul style="list-style-type: none"> • 4.10.12 Local Authorities under Legal Obligation to consider the need to prevent and reduce crime and disorder..... • 8.2.1. – Transport – Provision of safe, convenient and well signed routes • 9.1.1. –Housing – Objective to provide homes that are in good condition, in safe neighbourhoods and sustainable communities • 9.1.2. Housing – Greater emphasis on quality, good design, and the creation of places to live that are safe and attractive 	
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	<p>South Wales Police therefore welcome the draft document but would ask for inclusion of the specific points 1-7 in the document and the supporting statutory and policy guidance that exists in Wales. This would result in greater alignment between new Tan 12, Welsh Housing Quality standards and current Secured by Design standards which are seen as best practice in terms of residential security.</p>	
Treforest Residents Association	<p>Q1. Do you have comments to make on Policy HMO 1? HMO Policy 1 should be 10% in Treforest. This is the recommendation of the Welsh Government, and this 10% applies everywhere else in Rhondda Cynon Taff. It would be discrimination if the 10% is not applied in Treforest ward. Also Government confirms and the Special Planning Guidance also points out that HMOs have twice the average occupancy of family homes., this would mean over 40% of the occupancy of the ward was from HMOs, and that would continue to cause the same problems which are the reason for the Special Planning Guidance.</p> <p>Q2. Do you have comments to make on Policy HMO 2? Agree. The 10% level is the recommendation of the Welsh Government.</p> <p>Q3. Do you have comments to make on Policy HMO 3? Agree. It is important that small areas and streets are protected equally as the Treforest ward should be.</p> <p>Q4. Do you have comments to make on Policy HMO 4?</p>	<p>The representations submitted are welcomed. These raise both support of the SPG and its policies, as well as some remaining concerns.</p> <p>With regards to the representation to Policy HMO 1; as set out in the SPG, <i>recent analysis undertaken of 10 example sites, with a broad spread across Treforest, showed there was an average of 39% licensed HMOs in existence within a 50 metres radius of them.</i> What this sought to evidence was that the majority of all areas within the defined Treforest Ward, that is subject to Policy HMO 1, already has a concentration of well above 30% licensed HMO's. This policy should therefore, to all effect, prevent any further HMO's here. However, the allowance of a higher, 20% threshold, was set to give due consideration to the proximity of the</p>

	<p>Policy HMO 4 should be cancelled. To make high percentages of HMO exempt from control is a dereliction of duty, and contrary to the Governance of Wales Act, Planning Policy Wales, the Future Generations Act (Wales 2015), the Wales Spatial Plan and other Welsh Government legislation. Where is "Sustainable development", "the Well being duty" "Improving the quality of life of people and communities? These will all be breached if Policy HMO 4 exists. Respectfully, please cancel this policy.</p> <p>Q5. Do you have any other comments to make on the draft SPG?</p> <p>6 months before the HMO Planning law changed we supplied the Council with a comprehensive list of HMO Planning Policies in England in the hope that the Local Authority would act fast when the law changed. The community was promised a HMO Planning Policy within months of the change in law, but that did not happen, and our community has continued to be eroded. Respectfully, can you please bring these HMO policies, with the changes we have requested into force as soon as possible. Thank you for this opportunity.</p>	<p>University of South Wales and the need for student accommodation close to this prestigious facility. If in the future HMO's in Treforest were to revert back to C3 housing, and this of such a reduction in concentration to 20%, then this would undoubtedly create a noticeable positive change within the community. It is therefore not considered necessary or appropriate to reduce the threshold to 10% in this area.</p> <p>The SPG has been prepared taking into account all national and local planning policy and guidance. It was fully considered whether Policy HMO 4 would allow further unacceptable change and imbalance to the local community. In doing so, it was also fully considered what the effect of such existing overly high thresholds would have on all remaining C3 dwellings in such a small area.</p> <p>If a given area (of 50 metre radius), which already has over 80% of the properties within it as HMO's, then it was not considered that an additional HMO would have a further significant, unacceptable effect on that community. However, residents of C3 properties that remained</p>
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		within such areas, were indeed given due consideration, which instigated the policy; it was concluded that it would be overly difficult to sell the property on the open market if it was restricted to a C3 use, and they may no longer have the option to move out of this property i.e. 'locked in'. Accordingly, it is not seen as necessary to delete this policy.
Rhondda Cynon Taf Highways Department	<p>Further to your consultation regarding the above and having reviewed the draft- document, I have no adverse comment other to advise that access, circulation and parking requirements would be assessed based on the Council's Local Development Plan March 2011 and the following adopted Supplementary Planning Guidance:-</p> <ol style="list-style-type: none"> 1. Design and Placemaking March 2011, 2. Delivering Design and Placemaking: Access, Circulation and Parking Requirements March 2011 3. Development of Flats- Conversions and New Build June 2015. 	Representations noted.
The Landlords Letting Company	<p>Q1. Do you have comments to make on Policy HMO 1? Great idea, could have a negative impact on house prices close to the university, as house prices for HMO's are inflated due to the higher rental income a HMO generates in comparison to what a local family could pay. Compare LHA rates to student rates as an example.</p>	Representations welcomed and noted, particularly with respect to the acknowledgement that Policy HMO 1 could create more affordable family housing in Treforest.

	<p>Q2. Do you have comments to make on Policy HMO 2? Can't imagine there are many areas where there is a concentration in RCT other than Treforest so this will help prevent another area falling into the same mess as Treforest.</p> <p>Q3. Do you have comments to make on Policy HMO 3? Another great idea.</p> <p>Q4. Do you have comments to make on Policy HMO 4? Certainly properties within close proximity to the Uni this would make perfect sense.</p> <p>Q5. Do you have any other comments to make on the draft SPG? With these changes surely RCT could now revoke the need for any properties with more than 2 unrelated people requiring a licence. I see no need in three friends who want to share a three bedroom house requiring a licence. If it was a purpose built three bed I feel this is a pointless task. It's one route for young people or others on low income to be able to get in to the private rented sector.</p>	<p>With regards to the question 5 comment, unfortunately this process cannot determine requests relating to amendments to the Licensing rules. However, this request will be forwarded to colleagues in that department. It should be noted, however, that the new C4 use class further clarifies the rules with regards to numbers of people living in a single dwelling; In broad terms class C4 HMO's include shared houses or flats occupied by between three and six unrelated individuals who share basic amenities. Licenses would at present be required to operate these.</p>
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Appendix 1- Consultation Letter

Tudalen 38

Annywl Syr/Fadam, Dear Sir/ Madam,

RHONDDA CYNON TAF - CANLLAWIAU CYNLLUNIO ATODOL (DRAFFT):TAI AMLFEDDIANNAETH

Ymgynghoriad cyhoeddus 25 IONAWR 2018 - 23 MAWRTH 2018

RHONDDA CYNON TAF DRAFT SUPPLEMENTARY PLANNING GUIDANCE - HOUSES IN MULTIPLE OCCUPATION.

Public Consultation 25 JANUARY –23 MARCH 2018

Mae Cyngor Bwrdeistref Sirol Rhondda Cynon Taf wedi paratoi Canllawiau Cynllunio Atodol (Drafft) ar faterion **Tai Amffeddiannaeth** (HMOs), a dyma gylle i chi fynegi eich barn ar y ddogfen.

Mae'r Cyngor yn paratoi Canllawiau Cynllunio Atodol er mwyn darparu rhagor o ganllawiau a manylion angenrheidiol am gynigion a pholisiau penodol yn rhan o'r Cynllun Datblygu Lleol. Dylai'r canllawiau hyn, felly, roi mwy o sicrwydd i ymgeisywyr, a'u helpu nhw i baratoi ceisiadau cynllunio addas i'w cyflwyno i'r Cyngor.

Mae newidiadau diweddar yn y ddeddfriaeth wedi pannu bod angen caniatâd cynllunio erbyn hyn i newid defnydd tai ag un aelwyd yn dai amffeddiannaeth. Mae'r Canllawiau Cynllunio Atodol (Drafft) yn egluro'r materion sydd wedi arwain at yr angen am ganllawiau atodol o'r fath yn Rhondda Cynon Taf, a'u cyseylltadau â'r Canllawiau Cynllunio Atodol presennol a'r polisiau eraill yn rhan o'r Cynllun Datblygu Lleol. Mae'r Canllawiau hefyd yn cynnig polisi mwy penodol o ran caniatáu ceisiadau cynllunio addas am dai amffeddiannaeth.

Mae'r dogfennau a'r ffurflenni sylwadau ar gael i'w weld ar y wefan at:
<http://www.rctcbc.gov.uk/CY/ResidentPlanningandBuildingControl/LocalDevelopmentPlans/DevelopmentPlanConsultation.aspx>

Mae'n hefyd ar gael mewn llyfrgelloedd lleol ac yn ein Canolfannau iBobUn.

Bydd y cyfnod ymgynghori ynglŷn â'r Canllawiau Cynllunio Atodol (Drafft) ar faterion Tai Amffeddiannaeth yn parhau wyth wythnos, gan ddechrau ar 25 Ionawr 2018 ac yn dod i ben ar 23 Mawrth 2018.

- Llensi'r ffurflen, a'i hanfon hi drwy'r post i: Carfan Polisi Cynllunio, Llaw 2, Ty Sardis, Heol Sardis, Pontypridd CF37 1DU

Bydd sylwadau ar y Canllawiau Cynllunio Atodol (Drafft) yn cael eu hystyried wrth baratoi'r dogfennau terfynol.

I gael rhagor o wybodaeth am y Canllawiau Cynllunio Atodol (Drafft) ar faterion Tai Amffeddiannaeth, neu i ofyn cwestiwn ynglŷn â'r ddogfen neu'r broses ymgynghori, cyysylltwch â'r Carfan Polisi Cynllunio. Ffôn: 01443 494771 neu 01443 494775 E-bost: LDP@rctcbc.gov.uk

RHONDDA CYNON TAF DRAFT SUPPLEMENTARY PLANNING GUIDANCE - HOUSES IN MULTIPLE OCCUPATION.

Public Consultation 25th JANUARY –23 MARCH 2018

Rhondda Cynon Taf County Borough Council has prepared new draft Supplementary Planning Guidance (SPG) on **Houses in Multiple Occupation** (HMOs) and is inviting your views on the document.

The Council produces SPG to provide further, necessary detail and guidance relating to certain policies and proposals in the Local Development Plan. This in turn should give more certainty to, and help applicants in the preparation of suitable planning applications to the Council.

Recent changes in legislation have determined that planning permission is now required to change the use of a house in single occupation to an HMO. This Draft SPG firstly sets out the issues behind the need for such supplementary guidance in Rhondda Cynon Taf, its connections with other LDP policy and existing SPG, before proposing more specific policy guidance in relation to the permitting of suitable HMO planning applications.

The SPG, associated documents and representation forms are available to view online at <http://www.rctcbc.gov.uk/EN/ResidentPlanningandBuildingControl/LocalDevelopmentPlans/DevelopmentPlanConsultation.aspx>

Hard copies are also available at all local libraries and Council One 4 All Centres.

The 8 week consultation on the HMO SPG will commence on the 25th January 2018 and will close on the 23rd March 2018.

Should you wish to make any comments, please do so by no later than 5.00pm on the 23rd March 2018 via one of the following methods:

- Online at <https://www.mapserver.org/wiki/view.php?id=151661807176>
- Email the completed representation form to: LDP@rctcbc.gov.uk
- Post the completed representation form to: Planning Policy Team, Floor 2, Sardis House, Sardis Road, Pontypridd, CF37 1DU.

Representations received on the draft SPGs will be considered in the preparation of the final documents.

If you would like more information on the HMO SPG or have any queries regarding the document or the consultation please contact the Planning Policy team on 01443 494771 or 01443 494775 or via email at LDP@rctcbc.gov.uk

Yours sincerely

Simon Gale
Service Director of Planning

Appendix 2- Consultation List

Type	Name
Councillors	All current County Borough Councillors
Agent	Fortress Properties
Agent	Glamorgan Student Letting - The University of South Wales Students' Union's very own letting agency
Agent	Kwik-Let Property services
Agent	Let Right Properties Limited
Agent	Lion Estates
Agent	Rocket Residential
Agent	Sell Right Estate Agents
Agent	Seraph Estates
Agent	South Wales Student & Professional Letting
Agent	Stud Let
Community group	Cornerstone Church
Community group	St Dyfrig's Church
Community group	St Michael's Catholic Primary School
Community group	The Otley Arms
Community group	Treforest Football Club
Landlord	National Landlords Association
Landlord	Residential Landlords' Association
Landlord	Rhondda Cynon Taf Landlords Forum

Landlord	UK Capital Living Guest House
Residents	PCSO, Chair, Treforest PACT
Residents	Treforest Residents Association
University	Administration Manager (Accommodation), Accommodation Services, University of South Wales
South Wales Fire	Pontypridd Fire Station
Community group	Parc Lewis Primary School
Community group	Park Presbyterian Church
Community group	Castle Square United Reformed Church
Community group	Treforest Veterinary Clinic
Community group	Treforest Spiritualist National Union Church
Housing Charity	Adref
Housing Charity	Shelter Cymru
Housing Charity	Emmaus South Wales
Housing Charity	Aelwyd Housing Association
Charity	TEDS
Housing Charity in Assoc. W. Welsh Gov	United Welsh Housing Association
Housing Charity	Linc Cymru Housing Association
Community Organisation	Pontypridd YMCA
Community Voluntary Council	Inter Link
University of South Wales	University of South Wales

University of South Wales	Students Union
Statutory Consultee	Welsh Government
Statutory Consultee	Natural Resources Wales
Statutory Consultee	Network Rail
Statutory Consultee	Wales Office
Other Consultee	Owen Smith - MP for Pontypridd
Other Consultee	Chris Bryant - MP for Rhondda
Other Consultee	Ann Clwyd - MP for Cynon Valley
Other Consultee	Mick Antoniw - AM for Pontypridd
Other Consultee	Vikki Howells - AM for Cynon Valley
Other Consultee	Leanne Wood - AM for Rhondda
Other Consultee	Chamber of Commerce for South Wales
Other Consultee	Aberdare District Chamber of Trade and Commerce
Other Consultee	The Coal Authority
Other Consultee	Equality and Human Rights Commission (Wales)
Other Consultee	Crown Estate Office
Other Consultee	Design Commission for Wales
Other Consultee	Disability Wales
Other Consultee	Disabled Persons Transport Advisory Committee
Other Consultee	National Grid
Other Consultee	British Gas
Other Consultee	SSE (Swalec)
Other Consultee	Federation of Small Businesses

Other Consultee	South Wales Fire and Rescue Services
Other Consultee	The Gypsy Council
Other Consultee	Friends, Families & Travellers
Other Consultee	Health and Safety Executive
Other Consultee	One Voice Wales
Other Consultee	Planning Aid Wales
Other Consultee	Home Builders Federation
Other Consultee	South Wales Police
Other Consultee	Public Health Wales
Other Consultee	RICS (Wales)
Other Consultee	RTPI Cymru
Other Consultee	Chartered Institute of Housing Cymru
Other Consultee	Institution of Civil Engineers Wales
Other Consultee	Chartered Institution of Waste Management Cymru
Other Consultee	Federation of Master Builders
Other Consultee	Dwr Cymru Welsh Water
Other Consultee	Western Power Distribution
Other Consultee	Wales and West Utilities
Other Consultee	British Telecom
Other Consultee	RWE Npower
Other Consultee	Eon Energy
Other Consultee	OVO Energy
Other Consultee	EDF Energy
Other Consultee	The Cooperative Energy
Other Consultee	Scottish Power
Other Consultee	The Utility Warehouse

Other Consultee	Welsh Environmental Services Association
Other Consultee	Wales Council for Voluntary Action
Other Consultee	Glamorgan Gwent Archaeological Trust
Other Consultee	CADW
Other Consultee	Treforest Community Centre
Other Consultee	Pontypridd Canal Conservation Group
Other Consultee	RNIB Cymru
Other Consultee	Salvation Army
Other Consultee	VALREC (Valleys Regional Equality Council)
Other Consultee	Menter Iaith Rhondda Cynon Taf
Other Consultee	Coleg y Cymoedd
Other Consultee	Welsh Government
Other Consultee	British Pest Control Association
Other Consultee	Cardiff, Vale and Valleys Bee Keepers
Other Consultee	South Wales Police
Other Consultee	South Wales Police
Other Consultee	South Wales Police
Other Consultee	South Wales Police
Other Consultee	Accessible Caring Transport
Other Consultee	Easyway Minibus Hire Limited
Other Consultee	Edwards Coaches
Other Consultee	First Call Travel Limited
Other Consultee	First Cymru Buses Limited
Other Consultee	Globe Coaches

Other Consultee	Harris Coaches (Pengam) Limited
Other Consultee	New Adventure Travel Limited
Other Consultee	Thomas of Rhondda
Other Consultee	TraVol Community Transport
Other Consultee	Arriva Trains Wales
Other Consultee	Stagecoach in South Wales
Other Consultee	Stagecoach (bus services)
Other Consultee	Traws Cymru
Other Consultee	Traveline Cymru
Other Consultee	Mainline Travel
Other Consultee	Barratt Homes
Other Consultee	Newydd Housing Association
Other Consultee	WDL Homes
Other Consultee	Redrow Homes
Other Consultee	Principality
Other Consultee	Lovells
Other Consultee	Newydd Housing Association
Other Consultee	Trevallis
Other Consultee	Redrow Homes
Other Consultee	Davies Homes
Other Consultee	Principality
Other Consultee	Redrow Homes
Other Consultee	Llanmoor Homes
Other Consultee	Harris Land and Development
Other Consultee	Home Builders Federation
Other Consultee	Persimmon Homes
Other Consultee	Hafod
Other Consultee	Trevallis
Other Consultee	Persimmon Homes

Other Consultee	Rhondda Housing Association
Other Consultee	Cynon-Taf Housing Association
Other Consultee	Taylor Wimpey
Other Consultee	Principality
Other Consultee	Barratt Homes
Other Consultee	Sullivan Land and Planning/Llanmoor
Other Consultee	Taylor Wimpey
Other Consultee	Rhondda Housing Association
Other Consultee	JLL Commercial Property Services
Internal Consultee	RCTCBC - Legal Services
Internal Consultee	RCTCBC - Development Management
Internal Consultee	RCTCBC - Housing Strategy
Internal Consultee	RCTCBC - Director of Planning Services
Internal Consultee	RCTCBC - Legal Services
Internal Consultee	RCTCBC - Housing Strategy
Other Council Consultee	Blaenau Gwent
Other Council Consultee	Bridgend
Other Council Consultee	Caerphilly
Other Council Consultee	Cardiff
Other Council Consultee	Merthyr Tydfil
Other Council Consultee	Monmouthshire
Other Council Consultee	Newport
Other Council Consultee	Torfaen
Other Council Consultee	Vale of Glamorgan
Other Council Consultee	Brecon Beacons
Other Council Consultee	Neath Port Talbot

Other Council Consultee	Pembrokeshire
Other Council Consultee	Ceredigion
Other Council Consultee	Powys
Other Consultee	Pontypridd Town Council
Other Consultee	Llantwit Fardre Community Council
Other Consultee	Ynysybwl & Coed y Cwm Community Council
Other Consultee	Ystrafellte and Pontneddfechan Community Council
Other Consultee	Hirwaun and Penderyn Community Council
Other Consultee	Llantrisant Community Council
Other Consultee	Llanharan Community Council
Other Consultee	Llanharry Community Council
Other Consultee	Pontyclun Community Council
Other Consultee	Gilfach Goch Community Council
Other Consultee	Taffs Well and Nantgarw Community Council
Other Consultee	Tonyrefail & District Community Council
Other Consultee	RCTCBC - Blue Badge Parking Permits
Other Consultee	RCTCBC - Bin Collection Services
Other Consultee	RCTCBC - Transportation Services
Other Consultee	RCTCBC - Business Rates
Other Consultee	RCTCBC - Parking Services
Other Consultee	RCTCBC - Council Tax
Other Consultee	RCTCBC - General Enquiries

Other Consultee	RCTCBC - Building Control
Other Consultee	RCTCBC - RCT Home Finder
Other Consultee	RCTCBC - Housing Benefits
Other Consultee	RCTCBC - Library Service Managers
Other Consultee	RCTCBC - Parking Permits
Other Consultee	RCTCBC - Road and Highways Licences and Permits
Other Consultee	RCTCBC - Public Health
Other Consultee	RCTCBC - School Admissions
Other Consultee	RCTCBC - Streetcare
Other Consultee	RCTCBC - Street Works
Other Consultee	RCTCBC - Welsh Services
Internal Consultee	Group Director, Corporate and Frontline Services
Internal Consultee	Group Director, Community and Children's Services
Internal Consultee	Director, Education and Lifelong Learning
Internal Consultee	Director, Public Health, Protection and Community Services
Internal Consultee	Head of Environmental Health, Trading Standards and Community Safety
Internal Consultee	Director Of Highways And Streetcare Services
Internal Consultee	Director Of Corporate Estates
Internal Consultee	Service Director For Access, Engagement And Inclusion

Internal Consultee	Service Director Highways & Streetcare
Internal Consultee	Parking Services And Streetworks Manager
Internal Consultee	Highways Development Control Manager

APPENDIX 3 – Website Content

www.RCTCBC.gov.uk Resident Business Council Visitor Events Get Involved Newsroom Cymraeg

Home > Resident > Planning and Building Control > Local Development Plans

Development Plan Consultation

Current Consultation

[Draft Supplementary Planning Guidance - Houses in Multiple Occupation](#)

The 8 week consultation on the HMO SPG will commence on the 25th January 2018 and will close on the 23rd March 2018.

Previous Consultation

February/March 2015 - SPG Consultation

Between the 5th February and the 5th March 2015 the Council undertook a consultation on the following Draft Supplementary Planning Guidance documents: Employment and Skills and Development of Flats - Conversion and New Build.

February/April 2014 - CIL Draft Charging Schedule Statement of Modifications

Between the 28th February 2014 and the 10th April 2014 the Council undertook a consultation on the CIL Draft Charging Schedule Statement of Modifications.

June 2013/August 2013 - Community Infrastructure Levy (CIL) Consultation

www.RCTCBC.gov.uk Resident Business Council Visitor Events Get Involved Newsroom Cymraeg

Home > Get involved > Consultations > Current Consultations

Rhondda Cynon Taf Housing Draft Supplementary Planning Guidance - Houses in Multiple Occupation

Rhondda Cynon Taf County Borough Council has prepared new draft Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation (HMOs) and is inviting your views on the document.

Public Consultation 25th JANUARY -23 MARCH 2018.

The Council produces SPG to provide further, necessary detail and guidance relating to certain policies and proposals in the Local Development Plan. This in turn should give more certainty to, and help applicants in the preparation of suitable planning applications to the Council.

Recent changes in legislation have determined that planning permission is now required to change the use of a house in single occupation to an HMO. This Draft SPG firstly sets out the issues behind the need for such supplementary guidance in Rhondda Cynon Taf, its connections with other LDP policy and existing SPG, before proposing more specific policy guidance in relation to the permitting of suitable HMO planning applications.

[The SPG, associated documents and representation forms are available to view online.](#)

Save time. Do it online. [Pay it](#) [Report it](#) [Apply for it](#) [Book it](#)

Home > Get Involved > Consultations > Current Consultations

Current Consultations

PSPO Consultation - Intoxicating Substances, including Alcohol

15th Jan - 12th March 2018.

Give us your views...

Traffic Consultations

Give your views on the design and implementation of new traffic and road safety schemes.

School Consultations

Give your views on school building and development in Rhondda Cynon Taf.

Housing Allocation Scheme - Consultation

25th Jan - 23rd March 2018.

Give us your views...

Draft Supplementary Planning Guidance - Houses in Multiple Occupation

25th Jan - 23rd March 2018.

Give us your views...

Consultation on a proposal to transfer open access day centre provision

9th Feb - 6th April 2018.

Give us your views...

Contact Us

For further information on how you can take part in consultations and to have your say on key Council issues please contact the Consultation Team via: Email: consultation@rctcbc.gov.uk or call 01443 424136 for further details.

www.RCTCBC.gov.uk Resident Business Council Visitor Events Get Involved Newsroom Cymraeg

Home > Resident > Planning and Building Control > Local Development Plans

Draft supplementary planning guidance

HOUSES IN MULTIPLE OCCUPATION

Public Consultation 25th JANUARY – 23rd MARCH 2018

Rhondda Cynon Taf County Borough Council has prepared new draft Supplementary Planning Guidance (SPG) on houses in multiple occupation (HMO) and is inviting your views on the document.

The Council produces SPG to provide further, necessary detail and guidance relating to certain policies and proposals in the Local Development Plan. This in turn should give more certainty to, and help applicants in the preparation of suitable planning applications to the Council. SPG do not have the same status as adopted development plan policies but are considered a material consideration in determining planning applications.

Recent changes in legislation have determined that planning permission is now required to change the use of a house in single occupation to an HMO. This Draft SPG firstly sets out the issues behind the need for such supplementary guidance in Rhondda Cynon Taf, its connections with other LDP policy and existing SPG, before proposing more specific policy guidance in relation to the permitting of suitable HMO planning applications.

Documents available to view:

- [Draft HMO SPG](#)
- [Representation form](#)
- [Non-Technical Summary](#)

These documents and representation forms are also available at local libraries and Council One2All Centres. (Please note that the non-technical summary documents are not themselves subject to consultation.)

The 8 week consultation on the HMO SPG will commence on the 25th January 2018 and will close on the 23rd March 2018.

Should you wish to make any comments, please do so by no later than 5:00pm on the 23rd March 2018 via one of the following methods:

- [Online Survey](#)
- Email the completed representation form to: LDP@rctcbc.gov.uk
- Post the completed representation form to: Planning Policy Team, Floor 2, Sardinia House, Sardinia Road, Rhydyfelin, CF92 1EG.

Representations received on the draft SPG will be considered in the preparation of the final documents.

If you would like more information on the HMO SPG or have any queries regarding the document or the consultation please contact the Planning Policy team on 01443 434771 or 01443 434775 or via email at LDP@rctcbc.gov.uk

APPENDIX 4- Poster

Tudalen 46



**CANLLAWIAU CYNLLUNIO ATODOL DRAFFT
TAI AMLFEDDIANNAETH**

**DRAFT SUPPLEMENTARY PLANNING GUIDANCE
HOUSES IN MULTIPLE OCCUPATION**

**Ymgynghoriad cyhoeddus 25 Ionawr 2018 tan 23 Fawrth 2018
Public Consultation 25 January 2018 to 23 March 2018**

Mae Cyngor Bwrdeistref Sirol Rhondda Cynon Taf wedi paratoi Canllawiau Cynllunio Atodol Drafft ar faterion Tai Amifeddiannaeth. Mae'r Canllawiau'n egluro'r materion a'r pryderon sy'n gysylltiedig â thai amifeddiannaeth a'r angen i baratoi'r canllawiau hyn yn Rhondda Cynon Taf. Mae'r Canllawiau hefyd yn cynnig polisi penodol o ran rheoli materion tai amifeddiannaeth mewn ffordd briodol wrth eu hystyried yn rhan o geisiadau cynllunio yn y dyfodol.

Mae'r Canllawiau Cynllunio Atodol Drafft a'r ffurflenu sylwadau ar gael ar ein gwefan (gwelir isod), yn eich llyfrgell leol ac ym mhob Canolfan iBobUn.

Rhondda Cynon Taf County Borough Council has prepared Draft Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation (HMO's). This Draft SPG sets out the issues and concerns associated with HMO's and the identified need to prepare this guidance in Rhondda Cynon Taf. It then proposes specific policy guidance to suitably manage HMO's when considered in future planning applications.

The SPG and representation forms are available to view on our website (address below), at your local library and all Council One 4 All Centres.

<http://www.rctcbc.gov.uk/EN/Resident/PlanningandBuildingControl/LocalDevelopmentPlans/DevelopmentPlanConsultation.aspx>

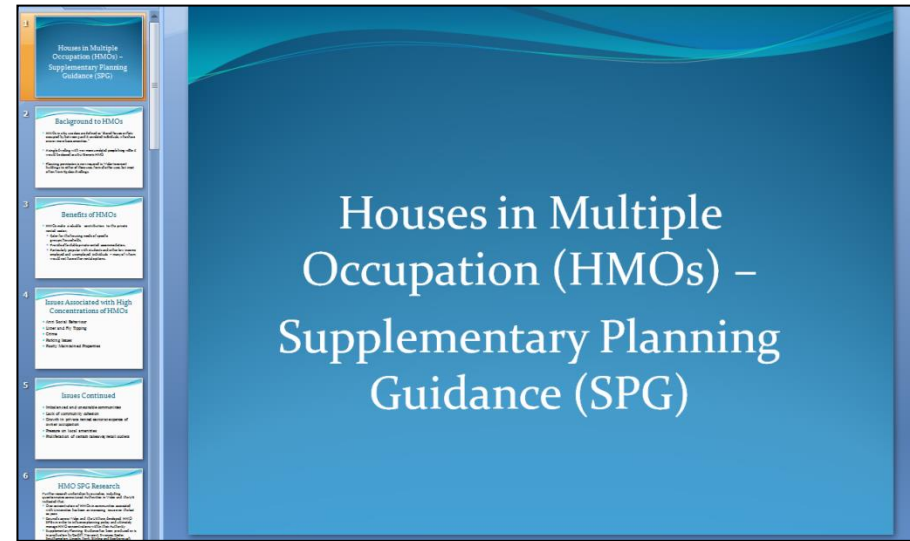
Cysylltwch â ni/Contact us;

Ebostr>Email: LDP@rctcbc.gov.uk

Tim Policy Cynllunio/Planning Policy Team
Adfywio and Chynllunio/Regeneration and Planning
Llawr 2 Ty Sardis/Floor 2 Sardis House
Heol Sardis/Sardis Road
Pontypridd
CF37 1DU
Ffon/Telephone: 01443 494771

Croeso i chi wneud eich sylwadau - We welcome your comments

Appendix 5- Presentation to The Landlords Forum Event and the Council's Public Service Delivery, Communities & Prosperity Scrutiny Committee





rhondda cynon taf
local development plan
cynllun datblygu lleol

Draft Supplementary Planning Guidance:

Houses in Multiple Occupation (HMOs)

January 2018



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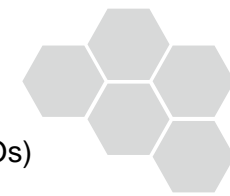
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1. Introduction

- 1.1 Recent changes in legislation have given Local Planning Authorities (LPAs) the opportunity to formally control proposals for Houses in Multiple Occupation (HMOs) within their communities. It is recognised by Welsh Government and at a local authority level that an over concentration of HMOs in an area can have negative impacts on a community.
- 1.2 In Rhondda Cynon Taf, HMOs are heavily clustered around the University of South Wales campus in Treforest. There has been increasing concerns raised by the local community that the concentration of HMOs has reached a level that is having a significant detrimental effect on community cohesion.
- 1.3 The clustering and high concentration of HMOs across this community is the result of demand over many years from students wanting to live as close as possible to the campus, which is typical of university towns. Evidence suggests that there has been a contraction in the number of students seeking accommodation in Treforest, with many students now living in purpose built student accommodation in Cardiff and commuting by rail. More recently, the purposely developed student accommodation at Llwyncastan in Pontypridd has opened and became fully rented within a very short time.
- 1.4 Further proposals for bespoke student accommodation are also currently being developed in Treforest and Pontypridd. Therefore, further demand for HMO accommodation in Rhondda Cynon Taf is likely to come from other low-income

households that do not need be clustered in any one area such as Treforest.

- 1.5 Supplementary Planning Guidance (SPG) is non-statutory supporting information and advice that supplements the policies and proposals within the Rhondda Cynon Taf Local Development Plan (LDP). SPG will factor as a material consideration in determining planning applications and appeals and can relate to specific topics and sites.
- 1.6 This SPG has the twin purpose of firstly identifying when it is deemed that the concentration of HMOs in an area has reached a level considered to adversely impact upon the community; and secondly, provide guidance on standards of HMOs and how they should be developed. Although it will primarily be applicable to Treforest it will also provide guidance for all of Rhondda Cynon Taf.



Houses in Multiple Occupancy (HMOs)

2. Background

2.1 Background to HMO's

2.1.1. A house is said to be in multiple occupation when it is occupied by more than one private household. Typically, a house in multiple occupation is rented by a landlord room by room, for the most part to individuals or couples. These tenants would then have shared use of the bathroom, kitchen, utilities and common areas including any garden or yard. The number of rooms and associated occupants within a house would clearly depend on the size of the properties, but would often have converted ground floors in use as individual rentable rooms.

2.1.2. It is recognised that HMOs have a key role to play in meeting housing need within the Social Rented sector. HMOs are needed to provide accommodation for low-income individuals or small households who would otherwise be in hostels, overly large households or even homeless. They are popular with students, young, single employed or unemployed persons, small households unable to afford self-contained accommodation and small households who need flexibility to move home. Accordingly, such residents are often transient, with a high turnover of population within these communities.

2.1.3. To convert a house from single-household occupation to multiple occupation need not involve any building alterations either inside or outside. However, it may be that the conversion is accompanied by construction of additional bedrooms, possibly by a rear extension of the

house, or by internal rearrangement to provide additional kitchen, bathroom and utility facilities.

2.1.4. Multiple occupation of a house usually involves an intensification of its residential use. For example, the new use of a three-bedroom house formerly occupied by a family of four as an HMO with four bedsitting rooms, occupied by couples, would increase both the number of people in the house and the proportion of adults. This intensification of occupation would result in increased levels of activity in and around the house, which can have negative impacts on occupants, their neighbours and the local community.

2.1.5. Intensification of residential use can result in additional demand for car parking spaces and increased noise levels (through the playing of music for example). Other impacts result from the displacement of owner-occupied houses by rented houses and the displacement of the settled population by short-term residents. Impacts can include the increased appearance of estate agents advertising boards, deterioration in the general standard of property maintenance and inadequate handling of refuse. The displacement can also result in reduced use of facilities that serve the settled population, such as schools and local shops, which can lead to their closure. Conversely, this displacement can lead to an increase in food and drink premises and estate agents.

2.1.6. It is normally difficult to demonstrate the degree of impact that an individual HMO would have on the

character and amenity of its surroundings. However, areas where many houses are HMO have a distinct character based on their cumulative impact, resulting in negative perceptions of the area among the long-term residents.

2.1.7. The internal aspects of HMO are dealt with by local authorities under Housing legislation, through licensing systems that ensure a minimum standard of facilities and living conditions. The allowance for the use and external aspects are dealt with under the Town and Country Planning legislation, which can control the conversion of houses to multiple occupation in cases where planning permission is required.

2.2. Legislative Changes

2.2.1. Until 2016, the use of a building as a dwellinghouse was defined by Class C3 of the Town and Country Planning Use Classes Order 1987, as follows:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) —

(a) by a single person or by people living together as a family, or

(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

2.2.2. The effect of this was that planning permission was not required to use a family house as a HMO as long as there were no more than 6 residents. Therefore since most houses in Treforest are terraced houses of modest size, few needed planning permission for multiple occupation.

2.2.3. New legislation was introduced in Wales in February 2016 which included the division of Class C3 into new use classes C3 and C4:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

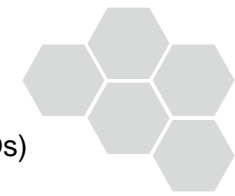
(a) a single person or by people to be regarded as forming a single household;

(b) not more than 6 residents living together as a single household where care is provided for residents; or

(c) not more than 6 residents living together as a single household where no care is provided to residents (other than a use within class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than 6 residents as a house in multiple occupation.



Houses in Multiple Occupancy (HMOs)

- 2.2.4. The change means that planning permission is now required to change from a house in single occupation to a HMO for up to 6 residents. These are now referred to as either 'small HMO' or 'Class C4 HMO'.
- 2.2.5. Planning permission is needed now, as before February 2016, to change from a house in single occupation to a HMO for more than 6 residents. These are now referred to as either 'large HMO' or 'sui generis HMO' (sui generis use: a use of its own kind, i.e. not in a use class).
- 2.2.6. Since the licensing and planning systems operate on different criteria under separate legislation, it is possible to gain a licence and not planning permission for the same property, or planning permission and not a licence. The granting of one is no indication that the other will be granted.

- 3.1. It is recognised at both national and community level that even the best managed areas of HMOs, with significant transient populations, still have a substantially different character compared to residential areas with settled populations.
- 3.2. Within Rhondda Cynon Taf, the concerns relating to high numbers and high concentrations of HMOs are almost solely associated with the Treforest ward. Treforest accounts for 94% of the HMOs within the County Borough and for 32% of all households within the ward. When compared to the average of 1.3% of HMO's in wards across Rhondda Cynon Taf and the national average of 2.8%, there is clearly an issue with overconcentration within Treforest.
- 3.3. The evidence gathered indicates that this ward and the community of Treforest has seen significant demographic changes in the past 25 years that is directly attributable to the growth of HMOs here, which themselves have come about in association with the expansion of the University of South Wales (previously University of Glamorgan).
- 3.4. Although demographic changes occur irrespective of the level of HMO concentration and whilst it cannot be used as an indicator of negative or positive change, it is useful in identifying the notable characteristics of areas with a significant number of HMOs. The following statistics have been obtained from the 2011 Census:

3. HMOs in Rhondda Cynon Taf

- Household compositions containing 2 or more adults with no children account for 52% in Treforest whilst the average across all of Rhondda Cynon Taf is 26%.
- The private rented sector accounts for 44% of households in Treforest compared to 12% for the County Borough.
- Only 8% of people in Treforest are aged 0-15. The County Borough average is 19%.
- 60% of people residing in Treforest are aged 16-29 whereas the County Borough average is 18%.
- It has one of the lowest proportions of home ownership in the County Borough, with 44% of households either owning their property outright or with a mortgage. This compares to a Rhondda Cynon Taf average of 71%. 25 years ago, 77% of households living in Treforest owned their homes.
- 12 units of a total of 53 retail premises, (21%), in the retail centre of Treforest are either takeaways or have elements of takeaways within them. This is again higher than other centres in Rhondda Cynon Taf.

3.5. It is therefore clear that the number of HMOs within Treforest is significantly disproportionate to the rest of Rhondda Cynon Taf. It is recognised that there is a justifiable concern of how these demographic changes have changed and are continuing to change, the community of Treforest.

3.6. Transient occupation can lead to a lack of community integration and cohesion and less commitment to maintain the quality of the local environment. This can have the effect of re-enforcing the area as a 'student' community and making it less popular for families.



Houses in Multiple Occupancy (HMOs)

4. Managing HMO Concentrations

Policy HMO 1 - 20% Threshold Area in Treforest

Within the Treforest Ward, excluding the area to the east of the A470, (as identified in Figure 2 below), a threshold of 20% of HMO dwellings, (as a percentage of all residential properties) within a 50 metre radius of the planning application address, will be applied. If the proposed HMO would result in this threshold percentage being exceeded, it would be considered unacceptable in principle, and permission refused.

All planning applications for C4 HMO's and Large, Sui Generis HMO's in Rhondda Cynon Taf will be considered against this policy.

4.1. The low radius incorporated in this policy threshold approach seeks to prevent tight clustering of HMOs within a small neighbourhood area. However, it would often be the case that percentages are already well above this threshold across many parts of the Treforest Ward. Recent analysis undertaken of 10 example sites, with a broad spread across Treforest, showed there was an average of 39% licensed HMOs in existence within a 50 metres radius of them. Accordingly, it is accepted that there will be a number of areas within Treforest where no further HMOs should be allowed. However, it should also be noted that the 20% threshold is still considered a high level of concentration, and therefore the policy is not an overly prescriptive one even in such a location close to a University Campus.

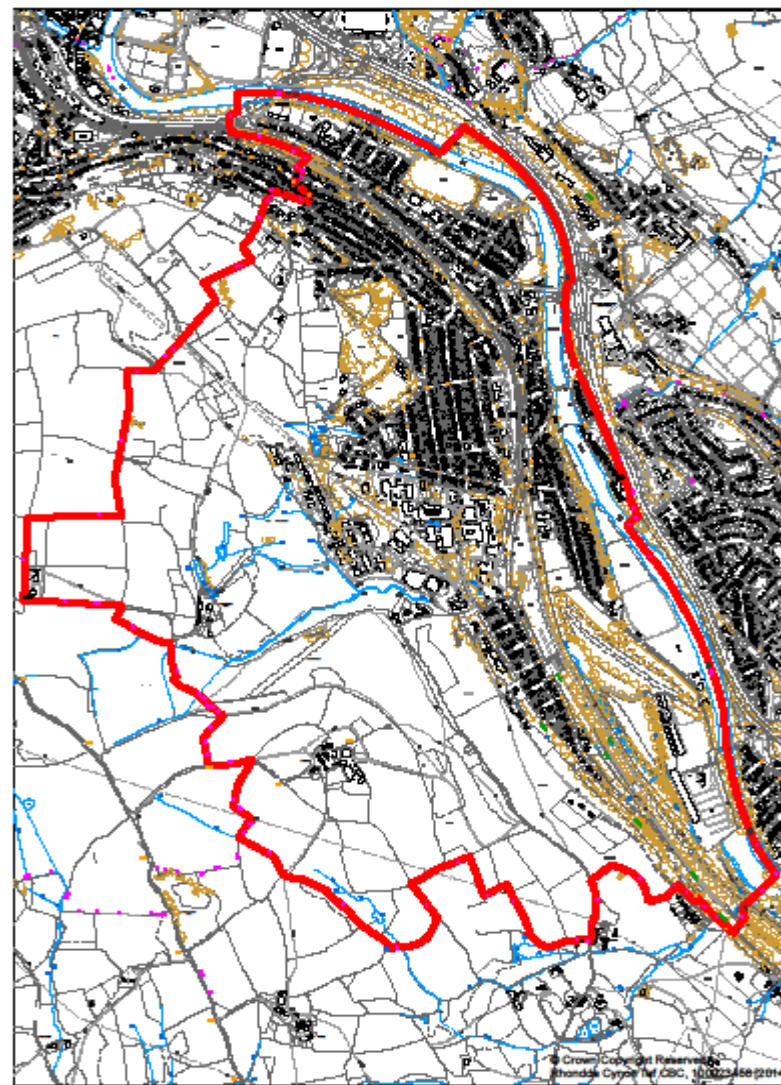
4.2. Concentrations of HMOs above 20% in any neighbourhood would create such an over concentration that would not be in accordance with national policy of creating mixed tenure communities. Such concentrations would also be contrary to sections 3.1.7 and 9.3.3 of PPW, as set out above, in relation to wider public interests and damage to an areas character. Similarly, Welsh Government research and associated report recommends as best practice a thresholds of 10% of HMO properties as a general appropriate level of such properties within an area. Accordingly, Policy HMO 2 below sets out a further threshold for HMO property across all of Rhondda Cynon Taf.

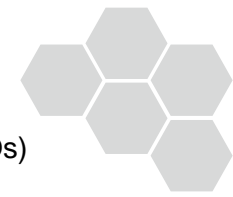
4.3. Figure 1 below shows an example of an application site for a change of use to an HMO in the 20% thresholds area. The larger red dot is the application site, around which is drawn the blue 50 metre radius buffer circle. Within this buffer are 50 residential properties, of which 24 are currently HMO (smaller red dots). This equates to 46%, which would clearly be well above the prescribed threshold, and permission would not be given for this proposal.

Figure 1 – Example of unsuitable HMO application in 20% Threshold Area;



Figure 2 – 20% Threshold Area in Treforest





Policy HMO 2 – 10% Threshold Across Rhondda Cynon Taf

To allow for appropriate levels of opportunity for HMOs in all other parts of the County Borough, a lower threshold of 10% of HMOs (as a percentage of all residential properties) within a 50 metres radius of the planning application address, will be applied. If the proposed HMO would result in this threshold percentage being exceeded, it would be considered unacceptable in principle, and permission refused.

4.4. As discussed throughout this SPG, HMOs can play a significant role in the rental housing market, giving significant numbers of low income individuals and small households housing options. Accordingly, this policy seeks to allow for further, appropriate HMO to come forward in other parts of Rhondda Cynon Taf. Average percentages of HMOs across other wards in the County Borough are as low as 1.3% and therefore market demand in other areas is generally low. It is considered that for the most part, concentrations of HMOs would very unlikely increase near the 10% thresholds. However, if demand does arise in certain locations, such as town centres, or in areas bordering the Treforest ward, then this lower threshold would prevent overconcentration occurring.



4.5. Figure 3 above shows an application site for an HMO, again with 50 dwellings within the 50 metres radius of it. In this instance, there are 8 HMOs within the radius area, or 16% of the properties. Accordingly, an application with this scenario would be acceptable in principle, although not acceptable elsewhere in Rhondda Cynon Taf.

Figure 3 - Example of suitable HMO application in the 20% Threshold Area, but unsuitable in 10% Threshold Area;

Figure 4 - Example of a suitable HMO application in the 10% Threshold Area;



4.6. Figure 4 the same application site as previous, although in this scenario, there are just 2 HMO of the 50 residential dwellings in the radius area. This would equate to just 4% of all the properties. This would therefore be acceptable in principle in all parts of Rhondda Cynon Taf.

Policy HMO 3 – Sandwiching and Adjacent HMOs

Proposal for HMOs that would result in the ‘sandwiching’ of non HMO properties will not be permitted i.e no property should be located between 2 HMO. Further to this, no more than two HMOs should be allowed adjacent to each other to prevent more localised clustering of such properties.

4.7. This policy seeks to reduce effects of HMOs at the most local level. A non sandwiching approach is adopted by many authorities who consider that C3 dwellings should not be enclosed and affected by recognised HMO impacts. Similarly, preventing a very small cluster of HMOs will reduce the local impacts on neighbouring properties and will also prevent an over concentration at the very localised level. It should be acknowledged that such scenarios already exist in many parts of Treforest, although it is intended that there is prevention of the practice in the future.

Policy HMO 4 – Exceptional Circumstances

In certain circumstances, concentrations of HMOs have reached such a point in a localised area that further permissions for HMOs are considered to not have any further detrimental effect. Where the concentration of existing HMOs within a 50 metres radius is already at 80% or above, then permission would be considered acceptable in principle.



4.8. This recognised approach would allow for increased HMOs in areas that have become almost solely HMO properties. In these areas, the increased impacts on the localised neighbourhood or wider community from an additional HMO would be relatively insignificant and this exceptional allowance will prevent owner occupiers in these areas from becoming 'locked-in'.

5. Planning Policy Relevant to HMOs

5.1 All planning applications for new, or the change of use to, C4 Houses of Multiple Ownership or Large, Sui Generis HMOs will be considered in accordance with **all planning policies and existing SPG, including the following;**

Wellbeing of Future Generations Act.

In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should:

- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.

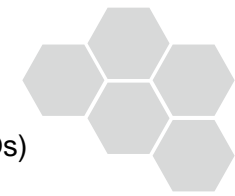
National Planning Policies

PPW 9 November 2016

3.1.7 The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on amenity and existing use of land and buildings in the public interest.

4.10.12 Local Authorities are under Legal Obligation to consider the need to prevent and reduce crime and disorder.

8.2.1. – There should be provision of safe, convenient and well signed routes.



Houses in Multiple Occupancy (HMOs)

9.1.1. Outlines an objective to provide homes that are in good condition, in safe neighbourhoods and sustainable communities.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote mixed tenure communities. There should be a greater emphasis on quality, good design, and the creation of places to live that are safe and attractive

9.2.2 - authorities need a clear understanding of factors influencing housing requirements

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity.

9.3.4 ...where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered.

Infrastructure & Services

12.7.3 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development ...

TAN 12 Design.

- Para 5.17.1 "Consideration should be given to practical ways in which the design of development can

reduce opportunities for crime, disorder and anti-social behaviour."

Local Planning Policies

Rhondda Cynon Taf Local Development Plan March 2011 - 2021

Policy CS 1 - Development in the North

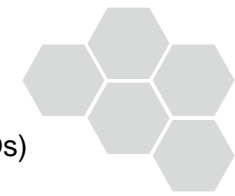
In the Northern Strategy Area the emphasis will be on building strong, sustainable communities. This will be achieved by:-

1. Promoting residential and commercial development in locations which will support and reinforce the roles of Principal Towns and Key Settlements;
2. Providing high quality, affordable accommodation that promotes diversity in the residential market

Policy CS 2 – Development in the South

In the Southern Strategy Area the emphasis will be on sustainable growth that benefits Rhondda Cynon Taf as a whole. This will be achieved by:

1. Promoting residential development with a sense of place which respects the character and context of the Principal Towns and Key Settlements of the Southern Strategy Area;
2. Protecting the culture and identity of communities by focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings



Houses in Multiple Occupancy (HMOs)

Policy AW 5 – New Development

Development proposals will be supported where:

1. Amenity

a) The scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area;

b) Where appropriate, existing site features of built and natural environment value would be retained;

c) There would be no significant impact upon the amenities of neighbouring occupiers;

d) The development would be compatible with other uses in the locality;

e) The development would include the use of multi-functional buildings where appropriate;

f) The development designs out the opportunity for crime and anti social behaviour.

2. Accessibility

a) The development would be accessible to the local and wider community by a range of sustainable modes of transport;

b) The site layout and mix of uses maximises opportunities to reduce dependence on cars;

c) The development would have safe access to the highway network and would not cause traffic congestion or exacerbate existing traffic congestion;

d) Car parking would be provided in accordance with the Council's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation and Parking Requirements.

Rhondda Cynon Taf Local Development Plan: Supplementary Planning Guidance

Design & Placemaking March 2011

3.6.2 To ensure mixed communities are accommodated and that the local population have a choice of appropriate housing, different housing needs such as family, student, retirement, elderly and sheltered accommodation need to be considered.

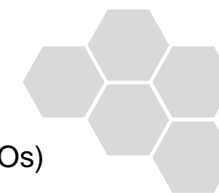
4.3.14 Parking on street should be kept small in scale, provided within defined bays and be designed to add to the character of the street scene.

4.3.17 Where there are no garages, cycle storage could be provided in rear gardens where there is a safe and secure means of access.

Delivering Design & Placemaking: Access, Circulation & Parking Requirements March 2011

Car Parking Space Requirements:

House conversions to bedsits, or self-contained apartments:
Zone 1 (Principal town centres) Maximum Requirement: 1 space per unit (for residents); nil (for visitors);



Houses in Multiple Occupancy (HMOs)

Zones 2-4 (elsewhere) Maximum Requirement: 1 space per bedroom, maximum of 3 (for residents); 1 space per 5 units (for visitors)

For developments *where clear evidence has been supplied that car ownership levels will be lower than normal*, a more flexible approach to numbers of parking spaces may be taken. Acceptable evidence of this would be a contractual arrangement with tenants to secure low car ownership levels.

Development of Flats – Conversions & New Build, June 2015

Subdivision of existing houses

The subdivision of existing houses is likely to be acceptable where a high quality of accommodation and amenity can be provided for residents.

However many smaller properties, and particularly in traditional terraced streets, will not be appropriate for subdivision. Consideration will be given to the nature of the resulting flats, and it is likely that permission will be refused where:

- A high standard of internal layout cannot be achieved.
- Habitable rooms would lack natural light, ventilation or a reasonable outlook.
- The occupants of the first floor flat would not have access to the rear garden or other external space for amenity, clothes drying, bin storage and / or cycle storage.
- It would exacerbate existing on street parking problems.
- Living rooms or kitchens would be located directly adjacent to upstairs bedrooms of neighbouring houses, unless mitigating measures can be provided.

Cycle Provision

Cycle storage facilities should be provided for residents in convenient locations, either inside flats or in communal areas close to each flat.

Bin Storage and Refuse Collection

Sufficient space must be provided for the storage of bins, recycling and food waste in between collections, either within individual flats or in a communal area within 30m walking distance of each flat.

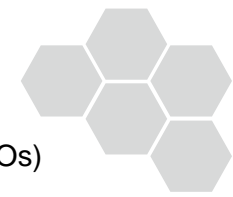
Appendix 6 - Houses in Multiple Occupancy (HMOs)

HMOs and planning (this reference pre-dates the new legislation associated with HMO's).

5.2 Other SPG that may be relevant depending on the location and detail of the proposal would be;

- The Historic Built Environment
- Design in Town Centres
- A Design Guide for Householder Development
- Nature Conservation

6. Standards of HMOs



6.1. Required Standards

- 6.1.1. Further to the compliance with the above policies and relevant SPG, this SPG seeks to outline, guide and inform stakeholders of the standards expected in the development of new and changes of use to HMO.
- 6.1.2. For clarification, all applications for new and changes of use to HMO are required to comply with the standards set out in the bullet points in relation to flats in the Flats Conversions & New Build SPG as outlined above. As with the Flats SPG, permission is unlikely to be granted if these standards cannot be met.
- 6.1.3. Similarly, cycle storage facilities should be provided for residents in convenient locations in suitable communal areas.
- 6.1.4. Sufficient space must be provided for the storage of bins, recycling and food waste in between collections, in suitable communal areas.

6.2. Licensing

- 6.2.1. All applications for HMO should also be made in accordance with the standards set out under the Council's Licensing process. The details of which are included in the two main documents being;

• **Licensing of HMO – A Landlord's Guide to Standards in HMO's 2014, and;**

• **Licensing of HMO – Landlord Handbook 2014 (updated 2017).**

- 6.2.2. These firstly set out the detail of the licensing process and also what is required from landlords. It then goes on to include details on standards required within HMOs in order for the landlord to gain a license. These include reference to a range of necessary internal amenity standards, relating, for example, to bathrooms and washing facilities, kitchens, ventilation and lighting. Further standards are set out in relation to the appropriate scale of rooms.

These documents are available to view on the Rhondda Cynon Taf website, at the following location;

<http://www.rctcbc.gov.uk/EN/Business/LandlordGuidance/Housesinmultipleoccupation.aspx>

- 6.2.3. Any applications for HMOs should ensure that they include sufficient information within them that would enable the Council to determine if they accord with all relevant planning policy, SPG and licensing standards.

Appendix 1 – Summary of Research

In preparing this SPG, comprehensive research was undertaken to identify the most appropriate methods that are in place across the UK and Wales to manage the growth of HMOs.

SPG's that have been prepared for the management of HMOs are often within university towns and cities, although not always the case. The associated negative effects of high concentrations of HMOs on the character of the area and the community were often the reason that permanent residents were objecting to further applications for HMOs. HMO occupants are generally perceived as being younger and more transient than other residents within a community. This can lead to wider effects on the character of an area and can give rise to a lack of community integration and cohesion, and less commitment to maintain the quality of the local environment.

Broader objections and analysis of evidence by the Local Authorities indicated that the preparation of SPG was appropriate. One of the major findings from the research of these SPG was that there was a threshold approach introduced to contain further concentrations of HMO's within small neighbourhoods and wider communities.

What also came apparent was that there was often a two tier system of approach. One level sought to ensure a cap on further HMO's in those areas which were considered as reaching, or had already reached a saturation point in the concentration of such houses. These were the areas that were already witnessing the much documented negative impacts

associated with such overconcentrations of HMOs and which themselves initiated the need for an SPG.

Secondly, many authorities saw that although overconcentrations of HMO's came with negative impacts upon their communities, the use itself nevertheless plays an important role in the private rental housing sector. The benefits that HMO's offer in terms of housing options for students and low income individuals is well documented. Accordingly, the SPG's often give a second threshold approach to allow for more limited HMO's to come forward across wider parts of the authorities.

This SPG therefore seeks to adopt the most appropriate best practice approach of identifying a threshold of HMO's. However, this has been considered against the unique circumstances in Treforest and Rhondda Cynon Taf as a whole. The SPG seeks to put into place a threshold, beyond which the concentration of HMO's is considered to have an unacceptable impact upon the community in which they sit.

The demographical statistics outlined above, along with the additional measures put in place by the Council relating to parking restrictions and refuse storage would indicate that such levels of concentration have already been reached in most parts of Treforest.

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Rhondda Cynon Taf County Borough Council
Regeneration and Planning Division
Planning Policy Team
Sardis House
Sardis Road
Pontypridd

EQUALITY IMPACT ASSESSMENT FORM

Please ensure that you refer to the 'Equality Impact Assessment Guidance' when completing this form. If you would like further assistance please contact the Equality & Diversity Team.

Details

Name of initiative to be assessed: Draft Supplementary Planning Guidance (SPG) on Houses of Multiple Occupation (HMO's).

Name of responsible officer: Simon Gale

Group/Directorate: Regeneration and Planning

Service Area: Planning

Date: 27/03/2018

a) What are you assessing for impact?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal	Information/ Position statement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b) Please name and describe below:

A Draft SPG that seeks to introduce further planning guidance to support the LDP in managing planning applications for HMO's.

**c) Is the delivery of this initiative affected by legislation or other drivers such as codes of practice?
If so, please identify what and how**

The SPG sits below the adopted LDP, which itself was prepared in accordance with the Planning and Compulsory Purchase act 2004. All planning applications are also considered against the Planning Act Wales and the Wellbeing of Future Generations Act, amongst much other legislation.

d) Does the initiative directly affect service users, employees or the wider community?

Yes Continue assessment
 No No need to continue screening or carry out an EqIA

EQUALITY IMPACT ASSESSMENT FORM

Screening/Relevance Test: Is an equality impact assessment required?

Screening is used to decide whether the initiative you are responsible for has a high or medium impact on any of the protected groups and will require a full EqIA.

Please provide details of the possible impact your proposal may have on the following groups, this may not necessarily be negative, but may impact on a group with a particular characteristic in a specific way.

You should also identify whether this constitutes a high, medium or low impact.

Please refer to Equality Impact Assessment Guidelines for further information.

Protected Characteristic	Impact
Age	No
Disability	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
Race	No
Religion or Belief	No
Sex	No
Sexual Orientation	No
Other Characteristics	
Welsh Language	No
Carers	No
Armed Forces Community	No

If after completing the EqIA screening/relevance test, you determine that this service/function/policy/project is not relevant for an EqIA you must provide adequate explanation below. (Please use additional pages if necessary).

It has been determined, following the above screening exercise that a full EqIA is not required. The Draft SPG will seek to determine more appropriate housing development proposals, whilst also managing the effects of HMO's on all members of society, with no direct affect on the above characterisitcs.

Are you happy that you have sufficient evidence to justify your decision?

Yes

No

EQUALITY IMPACT ASSESSMENT FORM

Signed: Owen Jones
10/04/2018

Position: Planning Policy Team Leader

Date:

N.B. If the initial screening process has identified actual or potential high or medium negative impact on a particular group or groups then you MUST carry out a full EqIA.

Approved by Head of Service or Director

Signed: Simon Gale

Position: Service Director Planning

Date: 11.4.18

Full Equality Impact Assessment

You should use the information gathered at the screening stage to assist you in identifying possible negative/adverse impact and clearly identify which groups are affected.

In terms of any disproportionate/negative/adverse impact that the proposal may have on a protected group, what steps (if any) could be taken to reduce that impact for each group identified. Attach a separate action plan if necessary.

If ways of reducing the impact have been identified but are not possible, please explain why they are not possible.

Evidence Sources

(i) Give details of any data or research that has led to your reasoning above, in particular, the sources used for establishing the demographics of service users.

(ii) Give details of how you have engaged with service users on the proposals and steps taken to avoid any disproportionate impact on a protected group and how you have used any feedback to influence your decision.

Are you satisfied that the engagement process complies with the requirements of the Statutory Equality Duties?

EQUALITY IMPACT ASSESSMENT FORM

Yes <input type="checkbox"/>	No <input type="checkbox"/>
------------------------------	-----------------------------

Decision Log - detail how Elected Members and Senior Managers have been involved in the decision process (give dates of key meetings and decisions made).

Review

Date of Next Review:	
If review is not required, explain why:	

Completed by:	
Signature:	
Job Title:	
Date:	

This assessment must be approved by an appropriate Head of Service or Director

Approved by:	
Signature:	
Job Title:	
Approval date:	

Please return a copy to:

Equality & Diversity Team
The Pavilions
Cambrian Park
Clydach Vale
CF40 2XX

Email: equality@rctcbc.gov.uk

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2018/19

**PUBLIC SERVICE DELIVERY,
COMMUNITIES & PROSPERITY
SCRUTINY COMMITTEE**

31st January 2019

**REPORT OF DIRECTOR OF HIGHWAYS
AND STREETCARE SERVICES**

Agenda Item No: 4

**REPORT ON THE STATUTORY
PROCESS FOR THE REMOVAL OF
CARAVANS AND OTHER
OBSTRUCTIONS FROM THE
HIGHWAY**

Author: Huw Jenkins (Highways Technical Services Manager)

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to inform Members of the Public Service Delivery, Communities and Prosperity Scrutiny Committee on the statutory process(es) that are in place for the removal of Caravans and other obstructions from the Highway.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Scrutinise the content of the report: and
- 2.2 Consider whether they wish to scrutinise in greater depth any further matters contained in the report.

3. BACKGROUND

- 3.1 This Authority from time to time receives public complaints regarding the parking of caravans on the highway. This practice is often viewed by residents as an unreasonable use of the public highway and one that exacerbates existing parking problems.

4. UPDATE / CURRENT POSITION

- 4.1 This report will detail the procedures available to the Highway Authority to deal with such matters. N.B this procedure would also apply to trailers or indeed any other obstruction of the highway.
- 4.2 When considering whether action is required, Highway Officers currently need to make judgements based on individual circumstance based on the following:
- 4.2.1 If the caravan is parked at the side of the road, whilst unsightly, it may not constitute any further nuisance than other vehicles parked in the highway.
- 4.2.2 The parking of vehicles/caravan temporarily on the highway as an incidental usage of the highway - for example visiting premises adjoining the highway - may be a reasonable and lawful use of the highway, whilst the parking of a vehicle/caravan on the highway for an overly long period may render it an obstruction. It will depend upon the facts of each case.
- 4.2.3 At Common Law the Highway Authority are entitled to remove from the highway anything which causes a nuisance or obstructs the free passage along the highway. There are also provisions in the Highways Act 1980 which give the Highway Authority power to require the removal of objects in the highway which could potentially be applied to the parking of caravans.
- 4.2.5 S.143 Highways Act 1980 gives the Highway Authority power to remove a structure that has been erected or set up on a highway. The matter of determining whether the placing of a caravan could properly be termed as erecting or setting up a structure is dependent upon the degree of permanence involved.

If it is determined that action should be taken under s.143 Highways Act 1980 to remove the caravan then a notice must be served on the person having control or possession of the caravan to remove it within such time as specified in the notice. The specified time must not be less than one month from the service of the notice. If the caravan is not removed within the time specified then the Highway Authority may remove the caravan and recover its reasonable costs.

- 4.2.6 S.149 Highways Act 1980 provides powers for the Highway Authority to remove things so deposited on a highway so as to be a nuisance. In order for the caravan to be considered a nuisance the usual tests have to be applied i.e. whether it is of a permanent or temporary nature and whether it is de minimis.

If it is determined that the caravan is causing a nuisance then the Highway Authority can proceed under S.149 Highways Act 1980. Again a notice must be served on the person who deposited the caravan requiring them to remove it forthwith. If that person fails to remove the caravan a complaint may be made to the magistrates court for a removal and disposal order. If, however, the Highway Authority have reasonable grounds for considering that the caravan constitutes a

danger to other users of the highway and ought to be removed without the delay involved in getting a court order they may remove the caravan. Again the Highways Authority can claim their reasonable costs.

4.2.7 If the caravan has been abandoned the Council has a duty to remove the caravan under s.3 Refuse Disposal (Amenity) Act 1978.

4.2.8 In addition to the various powers, and procedures available, to be adopted by the highway authority, for various aspects of obstructions to the highway detailed under this section, it is important to remember that the Police are able to take the most effective action using their powers under section 137(2) of the Highways Act (1980).

Officers investigating infringements of the provisions of the Highways Act (1980) should maintain such records that can establish and record the facts, to the satisfaction of a Court of Law. Dated photographic evidence and personal diary entries are essential for all incidents leading to the issue of letters and Notices under the terms of the Highways Act.

It is important that all staff use good judgement as to when to initiate action under the Highways Act (1980). They should consider the degree of the problem being caused and decide whether or not to initiate action **i.e. action is not mandatory in all cases.**

A constable may arrest without warrant any person who without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway - a highway being comprised of footway, carriageway and verge.

Requests to the Police for assistance in cases of such obstructions can be made either informally using the local contacts or formally via a letter to the headquarters in Bridgend.

4.3 The current procedure which was originally scripted and adopted by the former Mid Glamorgan County Council was issued on 12th February 1998 as part of the Rhondda Cynon Taf CBC Area Officers Manual and is followed by Highway Officers in all cases of obstruction of the highway:

4.3.1 Removal of Obstructions which cause a Nuisance only:

General obstructions such as boats, immobilised trailers/vehicles/caravans and contractors plant/sheds are often encountered as a nuisance.

Where such a general type of obstruction is observed as a nuisance the following procedure is to be followed:-

(a) the specific highway location where the obstruction is situated is identified by complaint or routine inspection.

- (b) the person responsible for the offence (under Sections 143 and 149) is requested to remove the specific obstruction from the highway and letter **OBSGEN1** is sent as an initial written request if verbal contact has been unsuccessful.
- (c) the area is re-inspected after the relevant period and if no action has been taken, the matter is brought to the attention of the Group Director for serving of a notice **OBSTRUCT2** accordingly.

4.3.2 Removal of Anything Deposited on a Highway which Constitutes a Danger:

The following procedure should be followed (Section 149(2) of the Highways Act (1980) refers) for any obstructions on the highway which pose a potential **danger** to the highway user.

It should be noted that under other sections of the Highways Act 1980, the County Borough Council is empowered issue a licence for the placement of items on the highway e.g. Skips, Scaffolding, Builders Material, Tables and Chairs etc.

- (a) If person responsible can be identified, instruct immediate removal giving time period allowed.
- (b) If person responsible does not comply with instruction for removal within the stipulated time period undertake removal and recharge owner (Highways Act 1980 Section 149 (3)(c)) by issuing letter **DANGER1**.
- (c) If person responsible cannot be identified, remove to store or tip depending on the nature of obstructing material. If the owner is subsequently identified, letter **DANGER1** can be sent for recovery of costs incurred in removal.

5. EQUALITY AND DIVERSITY IMPLICATIONS

5.1 There are no Equality or Diversity implications aligned to this report

6. CONSULTATION

6.1 There are no Consultation implications aligned to this report

7. FINANCIAL IMPLICATION(S)

7.1 There are no Financial implications aligned to this report

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

8.1 Sections of the Highway Act applicable to this matter are detailed below: -

8.1.1 Section 130 of the Highways Act 1980 places a general duty on the Council as highway authority to protect the public's right to the use and enjoyment of the

highway. This includes any unlawful encroachment on the highway or any roadside waste forming part of the highway.

8.1.2 Section 137 makes it an offence to wilfully obstruct the free passage along a highway.

8.1.3 Section 143 provides a procedure for serving notice to remove structures (which may include structures such as caravans and trailers which are on wheels).

8.1.4 Section 149 deals with removal of anything deposited on a highway in such a way as to cause a nuisance.

8.2 If a caravan has been abandoned the Council has a duty to remove the caravan under s.3 Refuse Disposal (Amenity) Act 1978.

9. LINKS TO THE COUNCIL'S CORPORATE PLAN / OTHER CORPORATE PRIORITIES/SIP

9.1 The Notice of Motion considered and the resulting recommendations of the Scrutiny Working Group linked to the Corporate Plan in respect of people and place – Promoting independence and positive lives for everyone and creating neighborhoods where people are proud to live and work.

9.2 The Notice of Motion considered and the resulting recommendations of the Scrutiny Working Group linked to the Corporate Plan in respect of people and place – Rhondda Cynon Taf's local environment will be clean and attractive, with well maintained roads and pavements, flowing traffic, increased recycling and less waste sent to landfill.

9.2 The Notice of Motion can be linked with the Well Being of Future Generations (Wales) Act, helping to create a resilient Wales and a Wales of cohesive communities.

10. CONCLUSION

10.1 The current procedure which was originally scripted and adopted by the former Mid Glamorgan County Council was issued on 12th February 1998 as part of the Rhondda Cynon Taf CBC Area Officers Manual and is followed by Highway Officers in all cases of obstruction of the highway.

10.2 It is a Statutory Procedure empowered by the Highways Act 1980 and is in line with the procedures followed by most if not all highway Authorities in Wales and England.

Appendix A - Standard letters

OBSGEN1

- *ADDRESSEE
- *ADDRESS LINE 1
- *ADDRESS LINE 2
- *ADDRESS LINE 3
- *ADDRESS LINE 4

*My Ref.

*Your Ref.

*Person
*Date

Dear Sir,

**OBSTRUCTION OF THE HIGHWAY
SECTIONS 143 & 149 - HIGHWAYS ACT (1980)**

An inspection was carried out on ***** (insert Date) and it has been observed that ***** (insert Obstruction) has been placed on the County Borough Highway at ***** (Insert Location)

The County Borough Council as the highway authority has powers under Sections 143 and 149 of the Highways Act (1980) to serve a notice requiring the removal of the obstruction but your co-operation in this matter would obviate the necessity of taking such action.

I shall be grateful therefore if you would attend to this matter immediately upon receipt of this letter.

I look forward to your cooperation in the above matter and enclose a reply for return to me to confirm that you have taken the necessary action to comply with my request.

If you have any difficulties in this regard or wish to discuss the matter further please contact ***** (insert Name) on the above telephone number.

Yours faithfully,

for Director of Highways and Streetcare

OBSTRUCT2

**RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL
NOTICE PURSUANT TO S.149 HIGHWAYS ACT 1980**

REQUIRING REMOVAL OF DANGER UPON THE HIGHWAY

To: **..NAME..**

of: **..ADDRESS..**

TAKE NOTICE that Rhondda Cynon Taff County Borough Council hereby give you notice that

WHEREAS merchandise deposited by you on the highway outside your premises known as **..NAME..** at **..LOCATION..** so as to constitute a nuisance and an obstruction to users of the highway.

NOW by virtue of the provisions of Sections 149(2) and 149(3)(a) of Highways Act 1980, the Rhondda Cynon Taff County Borough Council will undertake the removal of the said deposit and may recover from you the reasonable expenses incurred in so undertaking this task [or may make a complaint to a magistrates court for a disposal order]

AND FURTHER TAKE NOTICE that if a disposal order is granted the County Borough Council may apply the proceeds of sale to the expenses of removal and the maintenance of highways and if the proceeds are insufficient to pay for the expense of removal the Council may recover the balance from you.

for Director of Highways and Streetcare

..DATE..

DANGER1

- *ADDRESSEE
- *ADDRESS LINE 1
- *ADDRESS LINE 2
- *ADDRESS LINE 3
- *ADDRESS LINE 4

*My Ref.

*Your Ref.

*Person
*Date

Dear Sir,

REMOVAL OF ANYTHING DEPOSITED ON A HIGHWAY WHICH CONSTITUTES A DANGER - SECTION 149: HIGHWAYS ACT (1980)

An inspection was carried out on **..DATE..** and the following material deposited on the highway was deemed a danger and removed by the Highway Authority.

Description

Location:-.....

Material:-

The cost of the removal will be rechargeable to yourselves and an invoice will be issued in due course.

The material in question is available for your collection subsequent to payment of the invoice *

* delete if inapplicable

If you have any difficulties in this regard or wish to discuss the matter further please contact **..INSERT NAME..** on telephone number **...INSERT NUMBER..**

Yours faithfully,

for Director of Highways and Streetcare

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2018/19

**PUBLIC SERVICE DELIVERY,
COMMUNITIES & PROSPERITY
SCRUTINY COMMITTEE**

31st January 2019

**REPORT OF THE DIRECTOR OF
HIGHWAYS AND STREETCARE
SERVICES**

Agenda Item No: 5

CIVIL PARKING ENFORCEMENT

Author: Alistair Critchlow – Parking Services and Streetworks Manager

1. PURPOSE OF REPORT

The purpose of this report is to make Members of the Public Service Delivery, Communities & Prosperity Scrutiny Committee aware of the decision made by Cabinet on the 21st November 2018 in relation to Civil Parking Enforcement (CPE).

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Acknowledge the report which was presented to Cabinet on the 21st November 2018, (accessed [here](#)), and consider whether they wish to scrutinise any matters contained within the update from the Parking Services and Streetworks Manager in respect of the decision taken by Cabinet.

3. BACKGROUND

- 3.1 On 21st November 2018, Cabinet considered the report of the Group Director, Corporate and Frontline Services which sought approval for the Council to provide civil parking enforcement back-office Penalty Charge Notice (PCN) processing functions on behalf of additional Local Authorities across South Wales, as well as

providing a brief update with regards to the Council's mobile camera parking enforcement service.

- 3.2. A copy of the decision taken by Cabinet at its meeting held on the 21st November 2018 in response to the report's recommendations can be accessed by clicking [here](#).

4. UPDATE / CURRENT POSITION

- 4.1 Councils in the former Gwent region, (Caerphilly CBC, Newport CC, Torfaen CBC, Monmouthshire CBC and Blaenau Gwent CBC), have all resolved to apply CPE powers across their individual County Boroughs, with some commencing enforcement operations from as soon as April 2019. However, not only have all the Council's agreed to pursue an external back-office processing solution, but they have also all expressed a desire to join the South Wales Parking Group, (SWPG), collaboration whereby by RCT undertake such work on behalf of, currently, Merthyr Tydfil CBC.
- 4.2 Discussions between all parties have taken place via a number of joint meetings and, additionally, the Council has been mentoring and guiding each of the Councils listed above, individually, through the process of applying for CPE powers, with all now signed-up in principal to an over-arching Service Level Agreement expanding the SWPG to 7 Local Authorities.
- 4.3 Latest indications from the former Gwent Authorities suggest that Caerphilly CBC, Newport CC and Monmouthshire CBC will be commencing CPE enforcement operations from April 2019, with Torfaen CBC and Blaenau Gwent CBC following suit later in the year.
- 4.4 Following Cabinet approval to pursue a mobile camera parking enforcement solution in October 2017, the Council successfully procured a new enforcement vehicle, which is fully equipped with an Automatic Number Plate Recognition (ANPR) camera, utilising cutting edge infra-red technology to capture clearly defined images of vehicles parking unlawfully outside our schools, in bus stops and on pedestrian crossings.
- 4.5 Formal approval from the Welsh Government was subsequently obtained in June 2018 and the Council was duly permitted to use a so-called "approved device" for parking enforcement operations.
- 4.6 In addition, following a presentation to Full Council in July 2018, which outlined that the new service would be active from the start of the 2018/19 academic year in September 2018, a communications / public relations campaign has been ongoing since, with numerous positive messages of support being received by the Council.
- 4.7 Preliminary data for the 4 months from September 2018 up until the end of December 2018 indicates that 1,765 PCNs were issued to unlawfully parked

vehicles using evidence gathered from the mobile camera enforcement vehicle. (Motorists observed parking unlawfully were issued with formal warning Notices for the first 2 weeks, with PCNs only being issued from the third week of operation. Over this period, 172 warning Notices were initially issued).

5. EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 There are no negative or adverse equality or diversity implications associated with this report.

6. CONSULTATION

- 6.1 There are no consultation implications aligned to this report.

7. FINANCIAL IMPLICATION(S)

- 7.1 A detailed financial analysis of the administrative tasks undertaken with respect to the processing of PCNs has helped to inform a SLA offer to all participating Local Authorities. The operation of the SLA will be kept under review as part of implementing the new arrangements, but all costs are expected to be fully met by the additional income generated.
- 7.2 A centralised arrangement of this type will lead to a reduction in administrative costs. For example, the cost of procuring the requisite software licences, consumables and even uniforms are all expected to be reduced, in some cases significantly, after negotiations with suppliers.
- 7.3 In terms of resource requirements, the Council has purchased an updated software system as part of work to set-up the aforementioned mobile parking enforcement solution, which will allow for the expected increase in workload. It will however need to appoint additional staffing resources to ensure that capacity exists for the expanded service and two additional posts within Highways and Streetcare are required. It is likely that a review of the management arrangements will result in additional costs, but these will be offset against the income from the additional back office functions.
- 7.4 Specifically in relation to income with respect to the Council's fledgling mobile camera enforcement service, it is currently anticipated that all costs will be fully met by the additional income generated.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 The Traffic Management Act 2004 (TMA 2004): The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions prescribes that back-office PCN processing functions can be contracted out, (albeit

decisions with regard to formal representations cannot).

- 8.2 Local Authorities have a duty to tackle dangerous parking and the TMA 2004 duly confers responsibilities upon Local Authorities with Civil Enforcement Area status to enforce civil parking contraventions accordingly.
- 8.3 In Wales, such contraventions are enforced under the auspices of The Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013, with the Welsh Government further legislating for the enforcement of parking contraventions by “approved devices” under the terms of The Civil Enforcement of Parking Restrictions (Approved Devices) (Wales) Order 2013.

9. LINKS TO THE COUNCIL’S CORPORATE PLAN / OTHER CORPORATE PRIORITIES/SIP

- 9.1 The expansion of a regional collaboration to efficiently process PCN will help to deliver a greater consistency of parking enforcement practices across the region and, as such, can be seen to contribute the delivery of the Council’s Corporate Priorities with respect to the theme of “place”: creating neighbourhoods where people are proud to live and work by making Rhondda Cynon Taf’s local environment clean and attractive.
- 9.2 This report has considered the potential long-term impact of collaborating with other Local Authorities to provide a more sustainable PCN processing function, with a clear responsibility for the Council to guide and inform other Local Authorities as to their own policies and procedures to help ensure fair standards of parking enforcement across a wide area.
- 9.3 With the aim of balancing the business needs of all Local Authorities, whilst helping to alleviate the problems caused by inconsiderate and dangerous parking practices, the Council can be seen to be collaborating with others to consider the needs of all users of the Highway.
- 9.4 The mobile camera parking enforcement measures outlined in this report will help to improve traffic flow and road safety, improve public transport reliability and reduce parking problems in town centres, residential areas and, particularly, outside our schools. The creation of safe walking environments outside schools is also likely to lead to healthier lifestyles.
- 9.5 An expanded partnership between a number of Local Authorities across south-east Wales, which shares common aspirations, best practice and consistency of service provision, will help support the delivery of a Wales of cohesive communities, a prosperous Wales and a Wales of vibrant culture and thriving Welsh Language.

10. CONCLUSION

- 10.1 The CPE Service ensures that Traffic Regulation Orders are better enforced, which maintains the highways in a condition that are free of vehicles which would otherwise be restricting the traffic flow and thus the highways would be better able to undertake their primary purpose of the unrestricted passage of vehicles in a safe manner.
- 10.2 The former Gwent Authorities will be implementing their own CPE operations from April 2019 and have signed-up in principal to RCT undertaking back-office PCN processing duties on their collective behalf. Combined with the work RCT also does for Merthyr Tydfil CBC in this regard, RCT is positioned to establish itself as a regional parking ticket processing hub.
- 10.3 All residents benefit from the services provided via the safe use of the highway and the introduction and subsequent development of the Service via the purchase and operation of a bespoke mobile camera parking enforcement vehicle has extended the Council's capability to tackle key enforcement priorities such as dangerous and unlawful parking outside schools, on pedestrian crossings and in bus stops.

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