

Public Document Pack

JOHN WARD

Director of Corporate Services

Contact: Democratic Services

Email: democraticservices@chichester.gov.uk

East Pallant House

1 East Pallant

Chichester

West Sussex

PO19 1TY

Tel: 01243 785166

www.chichester.gov.uk



A meeting of **Council** will be held **Virtually** on **Tuesday 21 July 2020** at **2.00 pm**.

MEMBERS: Mrs E Hamilton (Chairman), Mrs C Apel (Vice-Chairman), Mrs T Bangert, Mr G Barrett, Miss H Barrie, Mr M Bell, Rev J H Bowden, Mr R Briscoe, Mr J Brown, Mr A Dignum, Mrs J Duncton, Mr J Elliott, Mr G Evans, Mrs J Fowler, Mrs N Graves, Mr F Hobbs, Mr K Hughes, Mrs D Johnson, Mr T Johnson, Mrs E Lintill, Mrs S Lishman, Mr G McAra, Mr A Moss, Mr S Oakley, Dr K O'Kelly, Mr C Page, Mr D Palmer, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr D Rodgers, Mrs S Sharp, Mr A Sutton, Mrs S Taylor and Mr P Wilding

SUPPLEMENT TO AGENDA

13 **Questions to the Executive** (Pages 1 - 5)

This page is intentionally left blank

Chichester District Council

Full Council

21 July 2020

Questions to the Executive

Cllr Simon Oakley

Could the Cabinet advise as to what degree CDC's Local Cycling and Walking Infrastructure Plan will be integrated into WSCC's LCWIP and other sustainable transport projects, so that duplication and diffusion of resources are avoided?

West Sussex County Council (WSCC) has convened a number of work-group sessions for the delivery of LCWIPs by authorities across West Sussex (WSCC, South Downs National Park Authority, Crawley District Council, Horsham Borough Council and Adur and Worthing Borough Council). As such WSCC has a high degree of awareness of CDC's emerging LCWIP and has been informally pre-consulted on the current draft for consultation. Whilst discussions with WSCC are at an early stage with regard to integration of CDC's LCWIP into wider policy the following outlines our intention. The WSCC LCWIP and CDC LCWIP are separate documents and there is no intention of integrating them. Nevertheless the WSCC LCWIP and CDC LCWIP clearly interrelate and should be read together to form a complete picture of infrastructure suggested by both plans for Chichester district. Likewise CDC's LCWIP has avoided duplicating WSCC's work through the STP and LTIP to provide non-duplication of effort and resources. Discussions with WSCC are ongoing in this regard so to allow for joint working without unnecessary duplication. WSCC has commissioned WSP to appraise all the D&B LCWIP routes, the ultimate goal being a prioritised list of all LCWIP routes in the county for further development.

Could the Cabinet Member for Planning advise as to what impacts the government's proposed planning reforms will have on this council's role as a local planning authority and when will members be briefed on these changes?

The Government has made a number of announcements regarding planning reform, from changes to permitted development rights to potential more fundamental changes to the planning system. All Members have been invited to a briefing on 19 August to outline changes to permitted development rights and, as far as we are able, to introduce the wider reforms expected to be proposed.

I had asked as part of Item 6 (Supporting Leisure Centres) "what the overall cost and loss of income to CDC had been, and estimated will be, due to the period of closure?". The Chief Exec stated this was a Part II matter and I had hoped it could be responded to under Item 17. Could a response be provided to my Question and supplied to all Members?

A part II response was circulated to members only on 24 July 2020.

Cllr Sarah Sharp

I refer to an article in the i newspaper dated 11th July in which it was stated that very few councils are taking action on landlords who flout energy rules. Are we to be counted amongst these councils? My concern is that we protect people who rent from having to live in cold and draughty homes and they thereby save money and reduce energy wastage. In April 2018 the Government introduced the Minimum Energy Efficiency Standard Rules (MEES) in order to improve the thermal efficiency in rented houses. I would like to ask about the actions CDC has taken to enforce the MEES in order to improve the thermal efficiency in rented houses? Does this fall under CDC's remit? Do we know how many properties in Chichester District are currently being rented out?

The Housing Standards Team has full knowledge of the Minimum Energy Efficiency Standard Regulations introduced for new tenancies since April 2018, and existing tenancies from April 2020. On the introduction of the new regulations we promoted the requirements to all our letting agents and landlords on our database.

Since then the Housing Standards team's work in relation to MEES has been reactive in nature following receipt of tenant complaints. There have to date only been a handful of complaints with levels remaining low. In accordance with the Council's Enforcement Policy cases that have been investigated have been resolved without the need for formal enforcement action, with officers working with landlords to ensure compliance.

The MEES Regulations have provided a challenge to local authorities as a number of exemptions are available to landlords, including a cost cap of £3,500. Therefore inspecting officers also use Housing Act 2004 powers in relation to excess cold hazards, where there are no such exceptions.

In March 2020, the Council commissioned an updated housing stock modelling survey to provide detailed information in relation to the condition of the housing stock, with view to introducing a new Housing Standards Financial Assistance and Enforcement Policy in the autumn of 2020. The results of this survey showed there were 10,787 private rented properties in the district. The new policy, to be introduced to the Overview and Scrutiny Panel in September will focus on reducing the properties with an excess cold hazard and assisting those in fuel poverty.

Do we know how many new tenancies have been established since April 2018?

Unfortunately we do not hold this data.

Do we know how many of them have an adequate Energy Performance Certificate? Do we know how many landlords are being required to improve their Energy Performance levels above levels F and G?

The data provided as part of the Stock Modelling Report 2020 showed that 90% (9724) of the properties in the private rented sector have an adequate EPC (above EPC F & G) with 9.9% (1063) with an EPC rating of F or G.

With regard to those properties with EPC F or G, it must be noted that an exemption may apply, which would avoid the landlord having to make improvements. Such exemption must be registered through Gov.UK.

The main exemptions are:

1. The “**high cost exemption**” – the cost of purchasing and installing the cheapest recommended improvement exceeds £3,500 (inclusive of VAT). This exemption can only be used where there are no improvements that can be made for £3,500 or less.
2. The “**consent exemption**” – a landlord can demonstrate that it has been unable to obtain necessary third party consent for any energy efficiency works.
3. The “**devaluation exemption**” – the works would reduce the market value of the property by more than 5%.
4. A “**temporary exemption**” – if a person becomes a landlord suddenly in a limited set of circumstances (for example, a lease is deemed by operation of law to have been created), this exemption allows a grace period of six months for the landlord either to carry out improvements so the property is no longer sub-standard or to register another valid exemption. From 1 April 2020, this exemption will also apply where a person becomes the landlord on purchasing an interest in a sub-standard property that, on the date of the purchase, was let on an existing tenancy.
5. **Listed Building exemption** - listed buildings or property in a conservation area MAY be exempt if the energy improvement requirements would ‘unacceptably alter’ the property’s character or appearance.

Do we have the data to know whether the landlords have conformed to these rules and if not what enforcement action is it possible for the Council, or any other authority, to take?

When comparing today’s figures with data from the last stock condition survey in 2015, there is evidence to show landlords have improved the thermal efficiency of their properties. This may be without the local authority intervention, however there will be a portion of properties who since 2018 would have been required to hold a local authority licence to let their property, and a satisfactory EPC would have been required. There are currently 160 licenced properties in the district. Furthermore the Council’s Landlord Accreditation Scheme requires a satisfactory EPC and we currently have 255 accredited properties (some of those will also be licenced).

Please see below:

	2015	2020
Number of properties in the PRS	8299	10787
EPC A-E	6107	9724
EPC F & G (failing to meet MEES)	2192	1063

Financial penalties for non-compliance with MEES are as follows:

- £2,000 for failing to provide information requested through the compliance notice and a publication penalty;
- £2,000 and a publication penalty for when a landlord has let a substandard property for less than three months;
- £4,000 and a publication penalty for when a landlord has let a substandard property for more than three months; and
- Where multiple penalties are imposed for more the same breach at the same property, the total penalty cannot exceed £5,000. If after having been fined up to £5,000 for letting a sub-standard property a landlord proceeds to let the same sub-standard property on a new tenancy, financial penalties of up to £5,000 will be issued in relation to the new tenancy.

Furthermore as mentioned above enforcement notices under the Housing Act 2004 can be served, as a property with an EPC rating of F or G will inevitably have a Category 1 health and safety hazard for excess cold.

How many additional tenancies in the District were required to conform to MEES after April 2020 when the rules were expanded?

We do not hold this information

What subsidies, if any, has the Government contributed to the costs of improving energy levels within the District?

Government grants are available for insulation measures:

For residents not on any benefits it is best they can contact their energy supplier to find out what is on offer. We also have the West Sussex Affordable Energy website run by WS Affordable Warmth partnership, of which CDC is a member. The website address is: www.westsussexenergy.co.uk

For those on low income or benefits they may be able to access additional help, including our Chichester Warm Homes Initiative. The referral mechanism for this is through Chichester Wellbeing (<https://chichester.westsussexwellbeing.org.uk>). Referrals will then passed to the Energy Visiting Advisor.

Cllr Kate O’Kelly

Neighbourhood planning notification letters are highly valued by residents - this issue has been raised by several Parish Councils as a particular concern. They understand that a new process was adopted during the pandemic but they are asking me when we will revert to business as usual. Has a decision been made to end the practice of sending out neighbourhood planning notification letters? If a decision has been made, who made it and when?

Usually, statutory publicity requirements are governed by provisions of The Town and Country (Development Management Procedure) Order which requires most planning applications to be publicised either by way of a site notice displayed for a

period of 21 days in the vicinity of the site, or by direct neighbour notification. There are a few exceptions to this; for example, Major applications must be publicised by site notice (there is no discretion) and also published in a local newspaper. During the Covid-19 crisis and associated lockdown, the government suspended much of the statutory publicity requirements, in particular circumstances, for a temporary period ending 31 December 2020 - The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 refer. However, officers considered that it was possible to meet the normal statutory publicity requirements for planning applications by issuing site notices instead of direct neighbour notifications. In addition to meeting the statutory requirements for publicity of applications, this approach is also in accordance with the Council's Statement of Community Involvement.

Residents may also request to be notified of planning applications submitted in an area of their choosing directly by e-mail. The Council's Public Access System allows any member of the public to register for e-mail notifications about applications that may interest them in their area. They can draw a polygon around their property, for example, and receive an e-mail notifying them of any new application submitted in the given search parameters. For many people, this will allow for greater control over what they are notified of.

Site notices and self-serve direct notification of planning applications using the Council's Public Access System continue to be a proportionate approach to the notification of planning applications during the current pandemic. Given the potential for a 'second wave' of increased cases of the virus, it is not considered to be appropriate to review these measures at this time. However, officers will continue to publicise the availability of direct notification through the Council's Public Access System to ensure maximum engagement in the planning application process administered by Chichester District Council.

This page is intentionally left blank