

Blofield Parish Council

Report to Chairman Parish Councillors and Residents

Frank O'Neill - Broadland District Councillor Member for Blofield with South Walsham

Date: March 2019

Section 21 HA 1988
Security of Tenure for Private Sector Tenants

Stella Shackle (Blofield PC) has raised this with me (and the other bloke whose name I forget). She asked me to speak against the section at Broadland Council. I happen to share her disquiet but was not able to agree to make a presentation as it is a matter of national concern.

Tenants under an Assured Shorthold Tenancy (AST) have no security of tenure. Therefore, they must be prepared to go when asked at the end of the agreed term¹.

To achieve that outcome the Landlord must serve a two month notice to expire on the last day of the tenancy or thereafter. If a tenant refuses to go the landlord must obtain a Court Order. The Order is inevitable. After that an appointment must be made for the bailiffs to formally evict. The time line is elastic and for the landlord recovery of costs and any other legitimate debt may prove problematic.

Stella and I are not the only people who consider the operation of Section 21 can be unjust. Before coming to that we need to understand the backdrop.

Society is not able to satisfy all the Nation's housing needs without the help of the private sector. This is especially true at times of recession. Thus, the Buy to Let (B2L) landlord and the AST.

B2L Landlords pay vacant possession prices for their properties. When they decide to sell, they expect to be able to offer vacant possession if they are to secure the best price in the market. Of course, they must wait until the end of the tenancy.

BTL landlords depend on mortgage companies for a large part of the finance. Lenders also require vacant possession. If landlords/mortgagees cannot be certain of vacant possession when they require the property back lenders will not lend and landlords will desert the market. How will society replace the private sector landlord?

But tales of exploitation by landlords and their agents are coming to light. B2L tenants learn (perhaps the hard way) it is not safe to complain even when they have a legitimate gripe. The name given is Revenge Possessions. And there again tenants who must move regularly every six to 12 months cannot think of anywhere as their home.

While abolishing Section 21 might cause more harm than good there is a problem and it needs be addressed in a way that preserves the investment housing market.

ASTs have been around for a long time now. The market is sophisticated. Regulation of some kind is overdue.

I find my solution in the Landlord and Tenant Act 1954 Part II. It relates to what are loosely called *business tenancies*. If a tenant wants to renew at the end of a lease he can ask the Court to award a new tenancy. The Court must order the new tenancy unless the landlord has legitimate grounds for opposition. The grounds for objection are contained in the Act. If a new tenancy is ordered the rent and other terms are fixed by the Court if not agreed.

The law on this goes back to 1927. It is fundamentally the same today as it was then. Landlords and tenants suffer these rules. In my view they work well. Most importantly mortgage companies accept property subject to 1954 Act tenancies. Furthermore, when the law on agricultural tenancies was updated new rules were introduced for

¹ Tenants in breach can be evicted during the tenancy but a Court Order is still required

	<p>Farm Business Tenancies. These rules reflect the regime under the 1954 Act for business tenancies.</p> <p>I believe this well-established legal principal could form the framework for change.</p>
Police Report	<p>At the February meeting of Broadland Council we were addressed by Supt. Harvey who told us that the Norfolk Police were on top of major crime.</p> <ul style="list-style-type: none">• County Lines is Non insistent• Suspects coming into the district monitored. An example given was of people who were noted leaving Sheringham. They were later noted to be again in the County. Following a raid in Gt. Yarmouth they were apprehended in Acle. ANPR played a significant part <p>Not just for our own benefit Norfolk Police would like us to install our own CCTV. If we do, we can assist the police in the event of suspicious circumstances with the advantage our cams are not subject to the same legal restrictions as those of the police.</p>
GNDP	<p>The Greater Norwich Development Plan is the local plan for Broadland South Norfolk and the City. It is coming together and will become the local policy when adopted circa 2021. Meantime we are still on the JCS.</p> <p>Following a meeting I attended in March I learnt that</p> <ul style="list-style-type: none">• The target for commercial land is considered satisfied.• The target for new homes is 41,000 by 2036. Of this we are adrift by 7,000.
5 Year Land Supply	<p>This affects Blofield and Hemblington particularly but it applies to any part of the three districts forming part of the Norwich Policy Area. The rules say that because we cannot meet the requirement so our local plan (the Joint Core Strategy) is deemed out of date. Thus, carpetbag developers are free to punt for consents on land that would fail under the JCS. We saw that at Dawson’s Loke. It may not be the last.</p> <p>However, when the GNDP becomes the local plan (replacing the JCS) different rules will apply. That is because we will abandon the Norwich Policy Area (at last) and adopt a new area called the Strategic Growth Area. This will focus on land primarily in South Norfolk along the A11 corridor to Cambridge.</p> <p>Even before the GNDP is in place it may be possible to challenge local applications on the grounds of the emerging GNDP.</p>
Allocated Land	<p>Land owners have offered land for development. A decision must now be made on whether to accept this land (aka allocated land). Allocated land may fall outside any of the areas mentioned. The next stage is to agree the sites. No site will be accepted for allocation UNLESS it can accommodate enough houses for affordable housing (circa 15 units).</p> <p>The definition of affordable is 80 per cent of cost. We are told site values for allocated land will be depresses. I don’t get that. I don’t see how site values will be discounted when developers are allowed to recover the other 20 per cent on an eventual sale by the first buyer.</p>
Ambulance response times.	<p>At a receipt meeting of Norfolk Health Overview and Scrutiny we considered Ambulance response times. They are a topic which prompts considerable concern.</p> <p>The attached graph shows an average response time across the County of 17 minutes – generally. This is generally within one of the required targets. However</p> <ul style="list-style-type: none">• Time stops when any responder arrives. It might not be an ambulance or it might be a local resident trained as a responder

- Many parts of my ward are at the extreme limits so they must expect an extended wait i.e. outside the average response times. How long do you think it can take to get from either of the hospitals to where you live?
- Perhaps you would like to see an ambulance stationed at Acle. There is availability at the Fire station.

Collaborative Working

Broadland and South Norfolk are working together in collaboration. At the recent Blofield meeting it was suggested this was really a merger by another route. Not true. For this I expect an Act of Parliament would be required. I can assure you this is not the intended outcome at Broadland. John Fuller, leader of South Norfolk Council, raised this with me before it was mentioned to Broadland. I told him I approved the idea and still do. There is common culture but there are also significant differences.

At Broadland elected members see how savings can be made by streamlining officer commitment. One example is the role and function of officers in the Planning Department. There is more than a healthy degree of scepticism about the relationship. Considerable disquiet has recently been raised at the number of South Norfolk officers appointed to the new teams. Several long-standing Broadland officers have in consequence been asked to accept redundancy. That has not been well received by several elected members.

We are told the benefits of collaborative working are:

- A stronger voice for both councils, regionally and nationally
- Increased growth and delivery at pace of infrastructure to ensure benefits to residents, communities and businesses
- Greater financial stability for the two authorities, helping to balance the councils' budgets and closing the growing funding gap
- Opportunities to provide services and initiatives jointly, that we would not otherwise be able to provide
- Increased ability to take advantage of commercial opportunities to deliver better value for our residents
- Increased investment and access to new funding opportunities to benefit residents and businesses in the area
- A joint and complementary offer for support to businesses and key business sectors across both districts
- Greater choice for our residents in terms of housing supply in order to best meet their housing needs
- Ability to retain and attract the most talented staff

This remains to be demonstrated and already I am hearing grumblings. Too soon to predict an outcome!

Local Govt election	May 2 nd is the day. If you are busy on something else you will not be able to vote. I recommend you now register to vote by post and so avoid the stress. I am not standing for re-election and I move back into the shadows on 6 th May. I hope to present a final report after election day.
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The graph below shows the number of Category 1 (C1) responses by week from 28th May 2018 to 03rd February 2019 and the C1 mean response time and C1 90% Percentile for Norfolk & Waveney STP area. On average, there are 291 C1 responses per week in the Norfolk & Waveney STP area. There has been a steady improvement in both C1 mean and C1 90th percentile since June 2018 (the lower the better).

