
Name or Organisation: Police & Crime Commissioner for West Midlands

3. To which part of the Local Plan Review does this representation relate?

Paragraph Policy

4. Do you consider the Local Plan Review is:

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate.

5. Please give details of why you consider the Local Plan Review is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan Review or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is noted that this policy has been retained to provide a policy link to the HMO DPD, although Policy H3 has not been updated to ensure that the Local Plan and the HMO DPD are appropriately cross referenced.

Representations were made on behalf of the PCCWM through the Examination process on the HMO DPD. This led to some changes to the approach which should be incorporated into the final adopted version. According to the latest LDS, the HMO DPD is due to be adopted in Q1 of 2025. Subject to this taking place, the following policy in the consultation draft would be broadly acceptable:

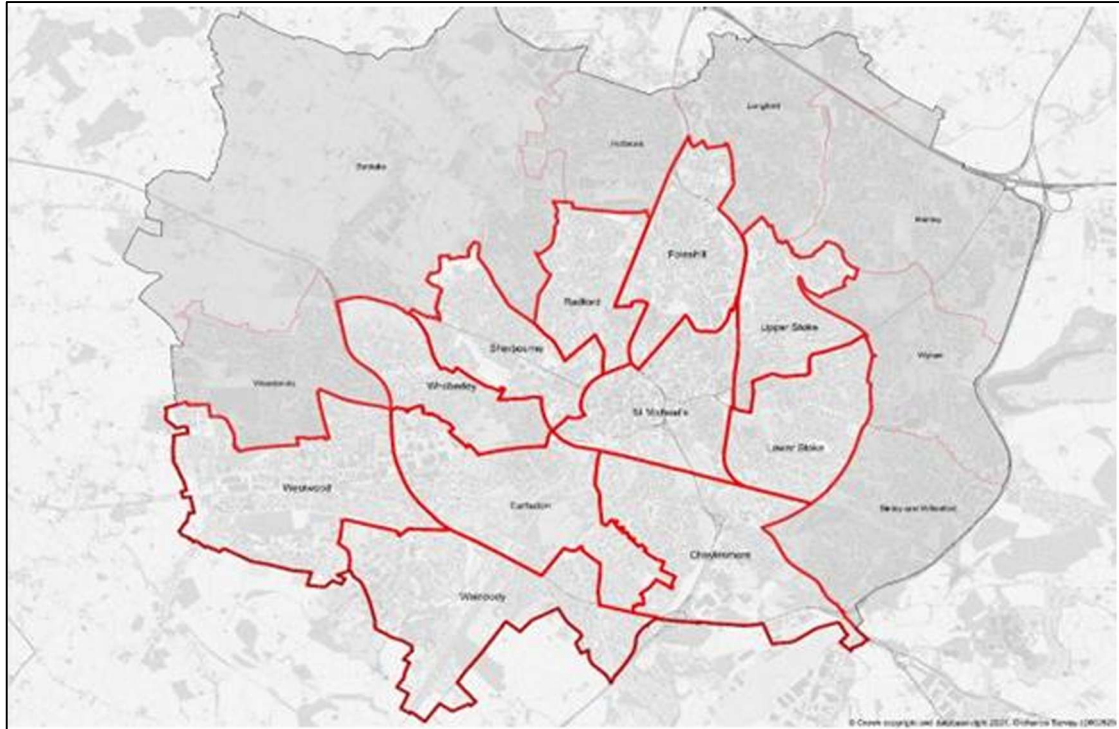
“Homes in Multiple Occupation

6.48 *The Council has a separate Homes in Multiple Occupation (HMO) Development Plan Document and applications for HMOs must be considered in accordance with this.*

Policy H11: Homes in Multiple Occupation (HMOs)

All applications for Homes in Multiple Occupation (HMOs) will be determined in accordance with the Council’s Homes in Multiple Occupation Development Plan Document alongside other policies in the adopted Local Plan.”

Notwithstanding, the DPD Examination was not able to consider one of the PCCWM's comments which was that the control over HMOs should apply across the whole city, not just part of the city as shown below. This could not be considered through the HMO DPD Public Examination process as the accompanying Article 4 Direction was consulted upon and established separately and in advance of the hearing sessions of the HMO Public Examination (held in January 2024).



As drafted, Policy H11 reads as if ALL HMO planning applications will be determined in accordance with the policy when this is not the position as swathes of the city are not subject to the policy. The policy approach towards HMO's set out in the DPD is not the issue, it is the fact that it is only implemented in part of the city. The new local plan should be clear that Policy H11 should be applied to ALL HMO applications city-wide and until the Article 4 Direction is changed accordingly, Policy H11 is **unsound** on this basis. Unless this happens, it is likely that the issues associated with concentrations of HMOs will spread into the other parts of the city. Indeed, a district-wide approach is an increasingly typical approach taken in other authority areas.

6. Please set out the modification(s) you consider necessary to make the Local Plan Review legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the Duty to Co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy H11 should be applied to ALL HMO applications.

7. To which part of the Sustainability Appraisal (SA) report does this representation relate?

Paragraph

N/A

Please add any further comments relating to the SA report in the box below

8. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

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Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To address the Council's Responses and the Inspector's Matters, Issues and Questions, and to further assist the Inspector with regard the case made by PCCWM regarding Policy H11.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.