

# Agenda

## Cabinet

Date: **Thursday 14 December 2023**

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Time: **2.00 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Democratic Services**

[committees@gedling.gov.uk](mailto:committees@gedling.gov.uk)

0115 901 3906

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# Cabinet

## Membership

**Chair** Councillor John Clarke

**Vice-Chair** Councillor Michael Payne

Councillor David Ellis  
Councillor Kathryn Fox  
Councillor Jenny Hollingsworth  
Councillor Viv McCrossen  
Councillor Marje Paling  
Councillor Lynda Pearson  
Councillor Henry Wheeler

### **WEBCASTING NOTICE**

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Responsibility of committee:

Cabinet is the meeting of all executive members. The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under the Constitution. Cabinet Portfolios are detailed within Section 6, Part 9 of the Council's Constitution.

## AGENDA

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- 2 **To approve, as a correct record, the minutes of the meeting held on 9 November 2023** 5 - 7
- 3 **Declaration of interests**
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- 5 **Annual RIPA Audit update** 17 - 21  
Report of the Principal Legal Officer.
- 6 **Authority Monitoring Report April 2022-March 2023** 23 - 113  
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- 10 **Safer Streets 4**
- 11 **Any other items the Chair considers urgent.**

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## MINUTES CABINET

Thursday 9 November 2023

Councillor John Clarke (Chair)

Councillor Michael Payne	Councillor Viv McCrossen
Councillor David Ellis	Councillor Marje Paling
Councillor Kathryn Fox	Councillor Lynda Pearson
Councillor Jenny Hollingsworth	Councillor Henry Wheeler

Officers in Attendance: M Hill, C McCleary and F Whyley

**39 APOLOGIES FOR ABSENCE**

None received.

**40 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 OCTOBER 2023**

**RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

**41 DECLARATION OF INTERESTS**

None received.

**42 FORWARD PLAN**

Consideration was given to a report of the Democratic Services Manager, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next six month period.

**RESOLVED:**

To note the report.

**43 PRUDENTIAL CODE INDICATOR MONITORING 2023/24 AND QUARTERLY TREASURY ACTIVITY REPORT FOR Q2**

The Head of Finance and ICT & Deputy S151 Officer introduced the report, which had been circulated in advance of the meeting, informing Members of the performance monitoring of the 2023/24 Prudential Code Indicators, and advising Members of the quarterly treasury activity as required by the Treasury Management Strategy.

**RESOLVED:**

To note the report, together with the Treasury Activity Report 2023/24 for Quarter 2 at Appendix 1 to the report, and the Prudential and Treasury Indicator Monitoring 2023/24 for Quarter 2, at Appendix 2 to the report.

**44 BUDGET MONITORING (Q2) AND VIREMENT REPORT**

The Head of Finance and ICT & Deputy S151 Officer introduced the report, which had been circulated in advance of the meeting, updating Members on the forecast outturn for Revenue and Capital Budgets for 2023/24 and requesting approval for the changes to the budget as set out in the report.

**RESOLVED to:**

- 1) Approve the General Fund Budget virements set out in Appendix 1 to the report;
- 2) Note the use of reserves and funds during quarter two as detailed in Appendix 2 to the report; and
- 3) Approve the changes to the capital programme included in paragraph 2.3 of the report.

**45 GEDLING PLAN QUARTER 2 REPORT- 2023/24**

The Chief Executive introduced the report, which had been circulated in advance of the meeting, to inform Members in summary of the position against Improvement Actions and Performance Indicators in the 2023-27 Gedling Plan at the end of 2023/24 quarter 2.

**RESOLVED:**

To note the progress against the Improvement Actions and Performance Indicators in the 2023-27 Gedling Plan for the end of 2023/24 quarter 2.

**46 FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT 2023**

The Planning Policy Manager introduced the report, which had been circulated in advance of the meeting, updating members on the latest five year housing land supply assessment.

**RESOLVED:**

To note the Gedling Borough Five Year Housing Land Supply Assessment 2023.

**47                   ARNOLD MARKET PLACE: FIRST FLOOR ENTERPRISE CENTRE AND MARKET**

The Head of Regeneration and Welfare introduced the report, which had been circulated in advance of the meeting, updating members on the plans for the fit out and letting of the first floor of the Arnold Town Centre (AMP) development including a refresh of the Business Case.

**RESOLVED to:**

- 1) Approve the revision to the original Arnold Market Place (AMP) Business Case Appendix 1 that includes:
  - a)     The proposal for an Enterprise Centre on the first floor of the AMP compromising of a number of lettable spaces to support start up and SME businesses;
  - b)     The proposal to consult on the permanent location of the Arnold Market;
  - c)     The revision of the financial assumptions related to market provision; and
  
- 2) Approve the establishment of an AMP Enterprise Centre budget from the UKSPF Town Centre Improvement budget in the Capital Programme, as detailed in the Exempt Financial Position Appendix 2 to the report.

**48                   STRATEGIC REVIEW - COMMUNITY FACILITIES**

The Head of Communities and Leisure introduced the report, which had been circulated in advance of the meeting, seeking approval from members to adopt the Vision and Outcomes from the Strategic Outcomes Planning Model review and to adopt the Playing Pitch and Outdoor Sport Strategy.

**RESOLVED to:**

- 1) Adopt the Strategic Outcomes Planning Model Strategy Stage 1; and
  
- 2) Adopt the Playing Pitch and Outdoor Sport Strategy.

**49                   ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT**

None.

The meeting finished at 3.35 pm

Signed by Chair:

Date:

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## Report to Cabinet

**Subject:** Forward Plan

**Date:** 14 December 2023

**Author:** Democratic Services Manager

### Wards Affected

All

### Purpose

To present the Executive's draft Forward Plan for the next six month period.

### Key Decision

This is not a Key Decision.

### Recommendation(s)

**THAT:**

**Cabinet notes the contents of the draft Forward Plan making comments where appropriate.**

### 1 Background

1.1 The Council is required by law to give notice of key decisions that are scheduled to be taken by the Executive.

1.2 A key decision is one which is financially significant, in terms of spending or savings, for the service or function concerned (more than £500,000), or which will have a significant impact on communities, in two or more wards in the Borough.

1.3 In the interests of effective coordination and public transparency, the plan includes any item that is likely to require an Executive decision of the Council, Cabinet or Cabinet Member (whether a key decision or not). The Forward Plan covers the following 6 months and must be

updated on a rolling monthly basis. All items have been discussed and approved by the Senior Leadership Team.

## **2 Proposal**

- 2.1 The Forward Plan is ultimately the responsibility of the Leader and Cabinet as it contains Executive business due for decision. The Plan is therefore presented at this meeting to give Cabinet the opportunity to discuss, amend or delete any item that is listed.

## **3 Alternative Options**

- 3.1 Cabinet could decide not agree with any of the items are suggested for inclusion in the plan. This would then be referred back to the Senior Leadership Team.
- 3.2 Cabinet could decide to move the date for consideration of any item.

## **4 Financial Implications**

- 4.1 There are no financial implications directly arising from this report.

## **5 Legal Implications**

- 5.1 There are no legal implications directly arising from this report.

## **6 Equalities Implications**

- 6.1 There are no equalities implications arising from this report.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

## **8 Appendices**

- 8.1 Appendix 1 – Forward Plan

## **9 Background Papers**

- 9.1 None identified

## **10 Reasons for Recommendations**

- 10.1 To promote the items that are due for decision by Gedling Borough Council's Executive over the following four month period.

**Statutory Officer approval**

**Approved by:**

Chief Financial Officer

**Date:**

31/8/2020 (report content)

**Approved by:**

Monitoring Officer

31/8/2020 (report content)

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**Gedling**   
Borough Council **FORWARD PLAN**  
**FOR THE PERIOD 6 DECEMBER 2023 TO 30 APRIL 2024**

This Forward Plan sets out the details of the key and non-key decisions which the Executive Cabinet expect to take during the next six months.

The current members of the Executive Cabinet are:

Councillor John Clarke – Leader of the Council

Councillor Michael Payne – Deputy Leader and Portfolio Holder for Resources and Reputation

Councillor David Ellis – Portfolio Holder for Public Protection

Councillor Kathryn Fox – Portfolio Holder for Life Chances and Vulnerability

Councillor Jenny Hollingsworth – Portfolio Holder for Sustainable Growth and Economy

Councillor Marje Paling – Portfolio Holder for Environmental Services (Operations)

Councillor Lynda Pearson – Portfolio Holder for Communities and Place

Councillor Viv McCrossen – Portfolio Holder for Climate Change and Natural Habitat

Councillor Henry Wheeler – Portfolio Holder for Lifestyles, Health and Wellbeing.

Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each key decision, within the time period indicated.

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Description of the decision	Date decision is expected to be taken and who will take the decision?	Responsible Officer	Documents to be considered by the decision maker	Cabinet Portfolio	Open / Exempt (and reason if the decision is to be taken in private)  Is this a Key Decision?
<p><b>Levelling Up and Regeneration Act 2023   Council Tax Charges</b> To give members an update on the new Act and potential changes to charges</p>	<p><b>24 Jan 2024 Council</b></p>	<p>Andrew Solley, Revenues Manager</p>	<p>Officer Report</p>	<p>Portfolio Holder for Corporate Resources and Performance</p>	<p>Open  Yes</p>
<p><b>Community Asset transfer of Wollaton Avenue Community Centre</b> To give members an update on the community asset transfer of Wollaton Avenue Community Centre</p>	<p><b>31 Jan 2024 Cabinet</b></p>	<p>Lance Juby, Head of Communities and Leisure</p>	<p>Officer Report</p>	<p>Portfolio Holder for Lifestyles, Health and Wellbeing</p>	<p>Open  No</p>
<p><b>Front Street</b> To give members an update on the properties on Front Street</p>	<p><b>31 Jan 2024 Cabinet</b></p>	<p>Tanya Najuk, Head of Regeneration and Welfare</p>	<p>Officer Report</p>	<p>Portfolio Holder for Corporate Resources and Performance</p>	<p>Open  Yes</p>
<p><b>Community Infrastructure Levy (CIL) Non- Parish Funding – Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations</b> To seek approval for the commencement of a four week public consultation on the projects shortlisted as suitable for CIL Neighbourhood Funding in the 'CIL Non-Parish Funding - Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations document</p>	<p><b>31 Jan 2024 Cabinet</b></p>	<p>Lewis Widdowson, Planning Officer</p>	<p>Officer Report</p>	<p>Portfolio Holder for Sustainable Growth and Economy</p>	<p>Open  Yes</p>
<p><b>Update on the Carbon Management Strategic Action Plan</b> To update Cabinet Members on the progress of the Carbon Management Strategy and Action Plan that is in place to reduce the Council's carbon emissions to net zero by 2030</p>	<p><b>31 Jan 2024 Cabinet</b></p>	<p>Melvyn Cryer, Head of Environment</p>	<p>Officer Report</p>	<p>Portfolio Holder for Climate Change and Natural Habitat</p>	<p>Open  Yes</p>

Description of the decision	Date decision is expected to be taken and who will take the decision?	Responsible Officer	Documents to be considered by the decision maker	Cabinet Portfolio	Public / Exempt (and reason if the decision is to be taken in private)  Is this a key decision?
<b>Gedling Plan Quarter 3 Report 2023-24</b> To give members an update on the progress against the actions in the Gedling Plan 2023/24 for quarter 3	<b>31 Jan 2024 Cabinet</b>	David Archer, Head of Human Resources Performance and Service Planning	Officer Report	Leader of the Council	Open  No
<b>Quarterly Budget Monitoring and Virement Report – Quarter 3 December 2023</b> To update Cabinet on the forecast outturn for Revenue and Capital Budgets for 2023/24	<b>31 Jan 2024 Cabinet</b>  <b>21 Feb 2024 Council</b>	Tina Adams, Financial Services Manager	Officer Report	Portfolio Holder for Corporate Resources and Performance	Open  Yes
<b>Prudential Code Indicator Monitoring 2023/24 and Quarterly Treasury Activity Report for Quarter ended 31 December 2023</b> To inform Members of the performance monitoring of the 2023/24 Prudential Code Indicators, and to advise Members of the quarterly Treasury activity as required by the Treasury Management Strategy	<b>31 Jan 2024 Cabinet</b>  <b>21 Feb 2024 Council</b>	Tina Adams, Financial Services Manager	Officer Report	Portfolio Holder for Corporate Resources and Performance	Open  No
<b>Interim Planning Policy Statement: Biodiversity Net Gain</b> To approve an interim planning policy statement on biodiversity net gain	<b>28 Mar 2024 Cabinet</b>	Jo Gray, Planning Policy Manager	Officer Report	Portfolio Holder for Sustainable Growth and Economy	Open  Yes

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## Report to Cabinet

**Subject:** Regulation of Investigatory Powers Act 2000 (RIPA) Annual Audit

**Date:** 14 December 2023

**Author:** Principal Legal Officer

## Wards Affected

All wards

## Purpose

The purpose of this report is to:

Update Members as to the Council's use of powers under RIPA from 1 April 2022 to 31 March 2023 in line with the Council's RIPA Policy.

Update Members on the three yearly inspection conducted by the Investigatory Powers Commissioner's Office in June 2023.

## Key Decision

This is not a key decision.

## Recommendation(s)

**THAT Cabinet:**

- 1) Notes the content of this report**

## 1 Background

- 1.1 Under the Council's RIPA policy, Members are required to consider and review the Council's use of RIPA powers and its policy and guidance at least once a year. Cabinet last received a report in December 2022 in relation to RIPA usage for 2021/22. At this time Cabinet were also advised that the Council's RIPA policy remained fit for purpose and required no updating. In line with the policy a further review has been undertaken and other than updating the link to one of the Codes of

Practice, the policy remains fit for purpose and does not require further updating at this time.

There is also a requirement under the policy that internal reporting to members is done throughout the year to update on RIPA usage. The Council's RIPA Co-ordinating officer provides updates when necessary throughout the year to the Portfolio Holder for Public Protection in relation to the Council's RIPA usage.

- 1.2 Under RIPA, local authorities have the power to authorise directed surveillance (usually covert cameras or covert observations by officers) and the use of Covert Human Intelligence Sources (CHIS) (essentially undercover officers conducting surveillance), if the authorisation is necessary for the prevention and detection of crime or preventing disorder and if the surveillance is proportionate to the aims it seeks to achieve. In respect of directed surveillance, save for a small number of licensing and tobacco offences, any crime or disorder being prevented or detected using RIPA must be a criminal offence which attracts a minimum of six months in custody, the so-called "serious crime" threshold. Since 1 November 2012, any RIPA authorisations or renewals must also have judicial approval from a Justice of the Peace. This is done at the Nottingham Magistrates' Court.
- 1.3 The authorisations under RIPA can only be given by 'Authorising Officers' who for the Council are Directors or the Chief Executive. The entire process is now overseen by the Interim Corporate Director as the Senior Responsible Officer (SRO) with assistance from the RIPA Co-ordinating Officer, who is now the Principle Legal Officer for Litigation and Licensing.
- 1.4 The Council's RIPA processes and procedures come under regular scrutiny. Each year, the RIPA co-ordinating officer or SRO, undertakes an audit of RIPA usage. **There have been no authorisations given for directed surveillance or the use of covert human intelligence sources in the year 2022/23.**
- 1.5 In addition to monitoring RIPA usage, the SRO is required, in line with the Council's policy, to ensure refresher training on RIPA is available to officers on an annual basis. On the 21 November 2023 Legal officers attended RIPA training provided by external trainers. An in-person training seminar was delivered by the Council's Principal Legal Officer for Litigation and Licensing to all Council officers who may utilise RIPA powers in September 2022. This training was recorded and is available on the intranet to access at any time. Refresher training is due to be delivered to officers in January 2024. Targeted refresher training was delivered to the Council's Authorising Officers in November 2023 to

refresh their knowledge in respect of the authorisation process and criteria to consider.

- 1.6 In addition to the internal annual audit, annual policy review and reports to Cabinet, the Council is also subject to external inspection by the Investigatory Powers Commissioner's Office (IPCO). These inspections are undertaken roughly every 3 years. The last inspection reported to Cabinet was conducted in 2020 which involved a remote inspection as opposed to the Inspector physically visiting the Council. The inspection was positive and the Council were commended for their compliance.
- 1.7 Following a review of how the IPCO conducts its oversight of local authorities taking into account the drop in RIPA authorisations by local authorities generally since 2012, following the introduction of the serious crime threshold, the inspection regime now adopted by IPCO is more of a desk top exercise, with physical inspections only occurring where concerns about compliance with RIPA are found. The Council was subject to a written inspection by IPCO during June 2023. This entailed answering a number of questions set by to IPCO covering our RIPA usage, governance, procedures, policy and training, in order to assure the IPCO that the Council is maintain good levels of compliance.
- 1.8 No formal recommendations were made as a result of the inspection. The Inspector was assured by the Council's ongoing compliance with RIPA. Although there has been no use of RIPA powers by the Council since 2015, the inspection shows the importance of maintaining the necessary internal governance and oversight of the Council's obligations under RIPA.
- 1.9 The Council will be due it's next inspection in 2026 and it is expected that this will again involve a paper-based exercise, where details of the Council's RIPA usage, governance, procedures, policy, and training will be considered.
- 1.10 The Council is also a member of the Nottinghamshire and Derbyshire District RIPA working group which provides the opportunity to share best practice in relation to RIPA usage and share training opportunities and knowledge. Although in the past this has been a stand-alone group, over the past couple of years it has joined with the Nottinghamshire Information Officers Group as the majority of the members were the same. This group meets at least every three months and is another mechanism by which the Council ensures that compliance with RIPA is maintained and knowledge is kept up to date. Meetings continue to be held remotely and whilst this Council historically chaired the meeting, the chair now rotates between member authorities. There is also a share point website that has been created by the group to share agendas,

minutes and useful precedent documents such as draft policies in respect of RIPA.

- 1.11 It is still essential, whatever the level of RIPA usage, that the Council keeps RIPA processes and procedures under close scrutiny. The Council will continue to be subject to inspection in relation to its use of the powers by the IPCO and as such the Council's policy, processes, training and review of RIPA usage must continue, to ensure our processes remain fit for purpose.
- 1.12 It is important that information about RIPA and covert surveillance is disseminated to staff to maintain awareness between training sessions, and the RIPA co-ordinating officer will continue to update officers and Members with any key developments in this area.

## **2 Proposal**

- 2.1 It is proposed that Members note the detail in this report in relation to the Council's use of RIPA and the outcome of the Council's most recent inspection by the IPCO.

## **3 Alternative Options**

- 3.1 Members could determine not to receive annual updates in relation to RIPA, however this would be contrary to the Council's policy position. The Inspection in June 2023 highlights that even though authorities may not be utilising RIPA powers, appropriate arrangements must be in place to monitor usage and awareness of RIPA must be maintained.

## **4 Financial Implications**

- 4.1 There are no additional financial implications arising from this report. The cost of training and other related RIPA activity are expected to be met from existing budgets.

## **5 Legal Implications**

- 5.1 Where the Council wishes to carry out covert surveillance in relation to an investigation, compliance with RIPA ensures that any such surveillance is properly authorised and full consideration is given to its necessity and proportionality. Where covert surveillance is conducted under a RIPA authorisation, this provides a potential defence to any claim that the surveillance amounted to a breach of the individual's right to privacy under the Human Rights Act 1998. Whilst RIPA authorisations are limited to specific circumstances for local authorities, local authorities must still maintain appropriate processes and procedures to

demonstrate compliance with RIPA, this includes ensuring that an appropriate policy document is maintained.

**6 Equalities Implications**

6.1 There are no equalities implications arising directly out of this report.

**7 Carbon Reduction/Environmental Sustainability Implications**

7.1 There are no carbon reduction/sustainability implications arising out of this report.

**8 Appendices**

8.1 None

**9 Background Papers**

9.1 None

**10 Reasons for Recommendations**

10.1 To update Members in line with the Councils RIPA policy

**Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**

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## Report to Cabinet

**Subject:** Authority Monitoring Report April 2022 – March 2023

**Date:** 14<sup>th</sup> December 2023

**Author:** Planning Policy Manager

### Wards Affected

Borough-Wide

### Purpose

This report is to inform Cabinet of Gedling Borough Council's Authority Monitoring Report April 2022 – March 2023.

### Key Decision

This is not a Key Decision.

### Recommendation(s)

#### THAT:

- 1) Cabinet receives and notes the content of the Authority Monitoring Report April 2022 – March 2023.

## 1 Background

- 1.1 The Authority Monitoring Report is prepared annually and the updated version covers the period 1 April 2022 to 31 March 2023.
- 1.2 The National Planning Practice Guidance states that local planning authorities must publish information at least annually that shows progress with Local Plan preparation, reports any activity relating to the

duty to co-operate and shows how the implementation of policies in the Local Plan is progressing.

1.3 The updated Authority Monitoring Report is attached as **Appendix A**.

1.4 Key updates in Gedling Borough in 2022/23 include:-

#### **Local Plan Delivery and Monitoring**

1.5 All policies of the Aligned Core Strategy (Part 1 Local Plan) and the Local Planning Document (Part 2 Local Plan) are being implemented and monitored through this Authority Monitoring Report to inform future plan preparation.

1.6 Progress has been made on the preparation of the Greater Nottingham Strategic Plan (GNSP) in conjunction with Nottingham City, Broxtowe and Rushcliffe Councils. A report taken to the September Cabinet meeting approved the GNSP Preferred Approach document on Strategic Distribution and Logistics Sites for a period of consultation prior to consultation on a full draft Strategic Plan in 2024. A joint evidence base is being prepared also in conjunction with Ashfield District Council and Erewash Borough Council, where appropriate. Once adopted, the GNSP will supersede the Aligned Core Strategy (Part 1 Local Plan).

1.7 The Council continues to fulfill the Duty to Co-operate with neighbouring authorities as set out in Section 3 of the Authority Monitoring Report.

#### Neighbourhood Plans

1.8 All policies specified in the Neighborhood Plans for Burton Joyce, Calverton, Papplewick and Linby are being implemented.

#### Supplementary Planning Documents and Guidance

1.9 The Council published an Interim Planning Policy Statement: First Homes in October 2022.

#### **Monitoring Local Plan Policies**

1.10 Section 5 of the AMR monitors the implementation of the Local Plan against the monitoring indicators set out in the policies of the Greater Nottingham Aligned Core Strategy and the Gedling Borough Local Planning Document. The Local Plan was underpinned by a



Sustainability Appraisal Monitoring Framework which included further monitoring indicators. The majority of the Authority Monitoring Report therefore contains detailed monitoring information covering the following planning topics:-

- Climate Change, Flood Risk and Water Management
- Environmental Protection
- Green Belt
- Natural Environment
- Open Space and Recreational Facilities
- Historic Environment
- Design
- Homes
- Retail and Community Facilities
- Transport
- Infrastructure and Developer Contributions

## **2 Proposal**

- 2.1 To ask Cabinet to note the content of the Authority Monitoring Report April 2022 – March 2023.

## **3 Alternative Options**

- 3.1 Not to produce an Authority Monitoring Report. Regulation 34 of the Town and Country Planning (Local Planning)(England) Regulations 2012 require local planning authorities to produce a monitoring report. The report contains information on the implementation of the Local Development Scheme and the extent to which the policies are being successfully implemented.

## **4 Financial Implications**

- 4.1 All costs associated with staff involved in assessing progress against the monitoring indicators will be met from existing budgets.

## **5 Legal Implications**

5.1 Regulation 34 of the Town and Country Planning (Local Planning)(England) Regulations 2012 require local planning authorities to produce a monitoring report.

## **6 Equalities Implications**

6.1 An Equalities Impact Assessment has already been undertaken on the council's policies through the assessment of the adopted version of the Local Plan. The Authority Monitoring Report monitors the effectiveness of these policies.

## **7 Carbon Reduction/Environmental Sustainability Implications**

7.1 The document monitors policies of the Local Plan which will help to protect the environment and respond to climate change.

## **8 Appendices**

8.1 Appendix A – Authority Monitoring Report April 2022 – March 2023.

## **9 Background Papers**

9.1 None

## **10 Reasons for Recommendations**

10.1 To inform Cabinet of the Authority Monitoring Report.

### **Statutory Officer approval**

**Approved by:**

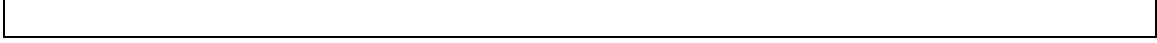
**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**



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# **Authority Monitoring Report**

**April 2022 – March 2023**

**Published December 2023**

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# 1. Introduction

- 1.1. The Authority Monitoring Report is based upon the monitoring period **1 April 2022 to 31 March 2023**.
- 1.2. The Authority Monitoring Report is required under Regulation 34 of The Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 34 can be viewed on the following website <https://www.legislation.gov.uk/ukxi/2012/767/regulation/34/made>.
- 1.3. The National Planning Practice Guidance states that local planning authorities must publish information at least annually that shows progress with Local Plan preparation, reports any activity relating to the duty to cooperate and shows how the implementation of policies in the Local Plan is progressing.
- 1.4. All of the monitoring indicators included in this report and their origins are set out in **Appendix 1**.

## 2. Development Plan Documents

- 2.1. Development Plan Documents set out the local planning policies for development in the area and comprise the Local Plan, Supplementary Planning Documents and Guidance and Neighbourhood Plans. The Development Plan for Gedling Borough is summarised below.

### Local Plan

#### Greater Nottingham Aligned Core Strategy (Part 1 Local Plan)

- 2.2. The Aligned Core Strategy was adopted in September 2014 and was prepared in conjunction with Nottingham City Council and Broxtowe Borough Council and in close co-operation with Erewash Borough Council and Rushcliffe Borough Council. In 2015, the Councils won the 'Plan of the Year' award by the Royal Town Planning Institute in recognition of their joint working. The document sets out the strategic policy direction for future development in Gedling Borough. The Aligned Core Strategy is available on the Council's web page [www.gedling.gov.uk/acs](http://www.gedling.gov.uk/acs).
- 2.3. See 'Local Development Scheme' below for further information regarding progress on the Greater Nottingham Strategic Plan which, when adopted, will replace the Aligned Core Strategy.

#### Gedling Borough Local Planning Document (Part 2 Local Plan)

- 2.4. The Local Planning Document was adopted in July 2018 and superseded the Gedling Borough Replacement Local Plan (2005). The document sets out policies for the assessment of planning applications and site specific policies and allocations for new housing, employment, retail, community facilities, recreation and open space, nature conservation and other land uses. The Local Planning Document is available on the Council's web page [www.gedling.gov.uk/lpd](http://www.gedling.gov.uk/lpd).

### Supplementary Planning Documents and Guidance

- 2.5. Councils may produce Supplementary Planning Documents (SPDs) or guidance to support Local Plan policies. SPDs and guidance can be thematic or site specific and are a material consideration for determining planning applications. The following documents have been adopted in Gedling Borough and are available on the Council's web page [www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanandpolicydocuments/supplementaryplanningdocumentsandguidance](http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanandpolicydocuments/supplementaryplanningdocumentsandguidance):-

#### Development brief SPDs/informal guidance

- Willow Farm Development Brief informal guidance (December 2019)



- Development Brief for three sites to the north east of Arnold (January 2019)
- Top Wighay Farm Development Brief SPD (February 2017)
- Dark Lane, Calverton Development Brief SPD (July 2008)
- Gedling Colliery and Chase Farm Development Brief SPD (June 2008)

#### Topic based SPDs/guidance

- Parking Provision for Residential and Non-Residential Developments SPD (February 2022)
- Low Carbon Planning Guidance for Gedling Borough (May 2021)
- Air Quality and Emissions Mitigation Guidance (2019)
- Planning Obligations Protocol (guidance) (June 2014)
- Affordable Housing SPD (December 2009)
- Open Space Provision for New Housing Development SPG (guidance) (November 2001)

#### Statements

- Interim Planning Policy Statement: First Homes (October 2022)
- Position Statement on Green Belt Policies LPD 13 and LPD 14 of the Local Planning Document (February 2022)

2.6. During the monitoring period the Council published the Interim Planning Policy Statement: First Homes in October 2022.

#### **Neighbourhood Planning**

2.7. Neighbourhood Plans are prepared and approved by the local community and set out planning policies for the specified neighbourhood area. There are currently four neighbourhood areas in Gedling Borough and more information is available on the Council's web page [www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/neighbourhoodplans](http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/neighbourhoodplans). The following progress has been made on neighbourhood plans:-

- Burton Joyce Neighbourhood Plan. Approved by referendum on 29 November 2018 (94% 'YES' vote) and 'made' on 10 January 2019.
- Calverton Neighbourhood Plan. Approved by referendum on 30 November 2017 (94.63% 'YES' vote) and 'made' on 31<sup>st</sup> January 2018.
- Linby Neighbourhood Plan. Approved by referendum on 2 May 2019 (92% 'YES' vote) and 'made' on 27 July 2019.
- Papplewick Neighbourhood Plan. Approved by referendum on 5 July 2018 (91.34% 'YES' vote) and 'made' on 6 September 2018.

- 2.8. Neighbourhood Development Orders are prepared and approved by the local community and grant planning permission for specific types of development in specific neighbourhood area. No such orders have been adopted or are being prepared in Gedling Borough.

### **Statement of Community Involvement**

- 2.9. The Statement of Community Involvement sets out the Council's approach towards community consultation on planning applications and emerging planning policy documents. The document was last updated in September 2019 and is available on the Council's web page [www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/consultations](http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/consultations).

### **Local Development Scheme**

- 2.10. The Local Development Scheme sets out the Council's programme for preparing documents that will form part of the Local Plan. The Local Development Scheme was last updated in January 2019 and is available on the Council's web page [www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/consultations](http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/consultations). The Local Development Scheme sets out the below timetable for the preparation of the Greater Nottingham Strategic Plan.

**Table 1: Local Development Scheme timetable**

<b>Stage</b>	<b>Dates</b>
Starting Evidence Base	September 2018
Consultation on SA scoping report	June 2019
Consultation on Growth Options	September 2019
Draft Publication Consultation	March 2020
Publication of Submission Document	September 2020
Submission of document and sustainability appraisal to Secretary of State	January 2021
Independent Examination Hearings (if required)	June 2021
Adoption	December 2021
Post production (monitoring and review mechanisms)	Ongoing

- 2.11. It was not possible to meet the timetable for the 'Consultation on Growth Options' in September 2019 due to unanticipated delays in the Part 2 Local Plan examinations for Broxtowe Borough, Nottingham City and Rushcliffe Borough Councils. Events elsewhere in the country (the Inspectors for the West of England Plan recommended it be withdrawn from examination) highlighted the importance of ensuring the early part of plan making is thoroughly evidence based, and that the Regulation 18 consultation (options) is open and transparent, with a clear audit trail of how the preferred growth strategy has been arrived at. Restrictions on working practices affecting both the participating councils and consultants undertaking evidence work as a result of the covid-19 pandemic also contributed to delays.

- 2.12. Consultation on the Greater Nottingham Strategic Plan Growth Options document took place between 6 July and 14 September 2020 and the consultation was subsequently reopened between 10 February 2021 and 24 March 2021 to reflect that some comments made during the initial consultation period had been blocked by security software and not received.
- 2.13. The uncertainties around the Government's planning reforms and need to take on board the recently published Integrated Rail Strategy in November 2021 led to some delay to the preparation of the Greater Nottingham Strategic Plan.
- 2.14. Consultation on the Greater Nottingham Strategic Plan Preferred Approach document took place in January/February 2023. The Preferred Approach consultation sought views on the proposed strategy and vision, the approach to housing and employment provision and the proposed strategic sites. Outside of the monitoring period, a further Preferred Approach consultation on Strategic Distribution and Logistics Sites commenced on 26<sup>th</sup> September 2023.
- 2.15. It is anticipated that a draft Greater Nottingham Strategic Plan will be published for public consultation in 2024, accompanied by an updated Local Development Scheme.

### **3. Duty to Co-operate**

3.1 The Duty to Co-operate was introduced in the Localism Act 2011 and progress is annually reported through the Authority Monitoring Report.

#### **Local Planning Authorities**

3.2 The Council has undertaken the following Duty to Co-operate actions:-

- The Council is preparing the joint Greater Nottingham Strategic Plan with Broxtowe Borough, Nottingham City and Rushcliffe Borough Councils. Consultation was undertaken on the Greater Nottingham Strategic Plan Growth Options document between July and September 2020 and between February and March 2021, which comprises the first formal stage of plan preparation. Consultation on the Greater Nottingham Strategic Plan Preferred Approach document took place in January/February 2023 focusing on the vision and strategy for meeting longer term development needs, including the approach to housing provision and employment need as well as the strategic sites required to meet requirements. A subsequent consultation in September – November 2023 focused on the Preferred approach to strategic distribution and logistics. It is anticipated that a draft Greater Nottingham Strategic Plan will be published for public consultation in 2024 before being submitted for examination. The Strategic Plan, when adopted, will replace the Councils' Part 1 Local Plans. A joint evidence base is being prepared, some elements in conjunction with other Nottinghamshire authorities including Ashfield District and Erewash Borough Councils.
- The Part 1 Local Plan Aligned Core Strategies (2014) were adopted in partnership with Broxtowe Borough and Nottingham City Councils, with Erewash and Rushcliffe Borough Councils adopting their own Core Strategies but ensuring a high degree of alignment between the Part 1 Local Plans.
- The Planning Obligations Protocol (2014) sets out how cross boundary impacts will be addressed through Section 106 contributions and/or Community Infrastructure Levy.
- The Inspector's Report on the Gedling Borough Council Local Planning Document (Part 2 Local Plan) (2018) confirmed that the legal requirements of the Duty to Co-operate had been met.
- The Council has worked with the Greater Nottingham authorities to prepare a joint statement of common ground, in accordance with paragraph 27 of the National Planning Policy Framework 2021. This was submitted to the Ministry of Housing, Communities and Local Government in late 2018 and a response is still awaited.
- The Greater Nottingham authorities facilitated a housing delivery workshop to consider barriers to the delivery of housing in the light of a significant stock of planning permissions for housing led development. Following this workshop, a development protocol, building on good practice already taking place across Greater Nottingham providers to deliver high quality, sustainable development was endorsed by Joint Planning Advisory Board and will be adopted and implemented by the partner Councils. Subsequent

housing delivery workshops have been facilitated to consider barriers to housing delivery and to explore how to raise the environmental sustainability standard of housing developments.

- The Greater Nottingham Authorities have prepared the joint Strategic Housing Land Availability Assessment (SHLAA) methodology report to facilitate consistency across this area of work.

### **Statutory Consultees**

3.3 The Council has an ongoing collaborative relationship with statutory consultees including the Environment Agency, Natural England, Historic England, the Highways Authority, Highways England, Homes England and other key partners. Discussions with these organisations informed the evidence base supporting the Aligned Core Strategy (Part 1 Local Plan), the Local Planning Document (Part 2 Local Plan) and neighbourhood plans. This includes taking a collaborative approach towards Sustainability Appraisal, Habitats Regulations Assessment, justification of site allocations and evidence base document where relevant. The Council continues to consult statutory consultees on plan-making matters and relevant planning applications.

## 4. Demographics of Gedling Borough

4.1. This section is informed by the 2011 Census and the 2021 Census which provides demographic information about Gedling's population. The census is updated every 10 years. The first results from the 2021 Census were released in June 2022 and other datasets are due to be released in late 2022 and from early 2023. Information on the 2021 Census, including the timeline for future census releases, is available at the following website pages [www.ons.gov.uk/census](http://www.ons.gov.uk/census) and [www.ons.gov.uk/census/aboutcensus/releaseplans](http://www.ons.gov.uk/census/aboutcensus/releaseplans).

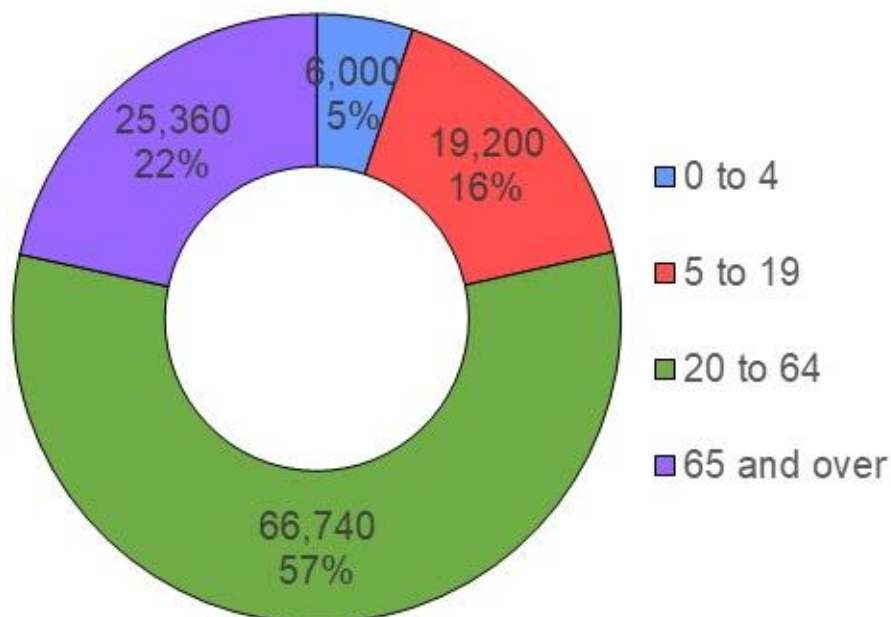
4.2. The government also publishes population mid-estimates annually.

### Population

4.3. Key statistics about Gedling Borough's population are:-

- The population from the 2021 Census was 117,300 which is an increase of 3.3% (3,757) since 2011 when it was 113,543.
- According to latest 2018 based projections, the population of Gedling Borough is predicted to increase to 125,200 by 2030 and 130,100 by 2040.
- The gender split is 48.5% male (56,900) and 51.5% female (60,400).
- Since 2011, Gedling has seen a 3% increase in children aged under 15, a -1% decrease in adults aged 15 to 64 and a 20 % increase in those aged 65 and over.

**Chart 1: Gedling Borough population by age (2021 Census)**



## Deprivation

- 4.4. Gedling Borough has seen a gradual improvement in overall Index of Multiple Deprivation score from 15.29 in 2010 to 14.89 in 2019. In 2019, Gedling Borough Council had a national deprivation ranking of 207 out of the 317 Districts in England. The three most deprived wards are Netherfield, Daybrook and Cavendish.

## Ethnicity

- 4.5. Table 2 below shows the mix of ethnicities in Gedling Borough, according to the 2021 Census:-

**Table 2: Ethnic demographic information**

Ethnicity	Percentage
White: English/Welsh/Scottish/Northern Irish/British	85.6%
White: Irish	0.8%
White: Gypsy or Irish Traveller	0.1%
White: Other White	3.1%
Mixed/multiple ethnic group: White and Black Caribbean	1.8%
Mixed/multiple ethnic group: White and Black African	0.3%
Mixed/multiple ethnic group: White and Asian	0.7%
Mixed/multiple ethnic group: Other Mixed	0.7%
Asian/Asian British: Indian	1.5%
Asian/Asian British: Pakistani	1.2%
Asian/Asian British: Bangladeshi	0.1%
Asian/Asian British: Chinese	0.4%
Asian/Asian British: Other Asian	0.6%
Black/African/Caribbean/Black British: African	0.9%
Black/African/Caribbean/Black British: Caribbean	1.1%
Black/African/Caribbean/Black British: Other Black	0.3%
Other ethnic group: Arab	0.2%
Other ethnic group: Any other ethnic group	0.7%

## 5. Monitoring Local Plan Policies

### Overview and Interpretation

- 5.1. This section monitors the implementation of the Local Plan against the monitoring indicators set out in the policies of the Aligned Core Strategy (Part 1 Local Plan) (“ACS”) and the Local Planning Document (Part 2 Local Plan) (“LPD”). The Part 1 and Part 2 Local Plans were underpinned by a Sustainability Appraisal Monitoring Framework (“SA”) which included further monitoring indicators.
- 5.2. All of the monitoring indicators and targets for each planning topics as well as their origins are set out in **Appendix 1**. The relevant monitoring indicators are referenced and highlighted yellow throughout this section and can be cross-referenced with Appendix 1.

### **Monitoring Indicators: ACS Policy & SA / LPD Policy & SA**

- 5.3. The monitoring indicators are split into the following planning topics:-
- Climate change, flood risk and water management
  - Environmental protection
  - Green Belt
  - Natural environment
  - Open space and recreational facilities
  - Historic environment
  - Design
  - Homes
  - Retail and community facilities
  - Transport
  - Infrastructure and developer contributions
- 5.4. Reporting for each monitoring indicator will depend on the type of information available. Generally, information is recorded with reference to the **monitoring period** (1 April 2021 to 31 March 2022) and the **base period** (since 1 April 2011 which is the start of the plan period for the adopted Local Plan). Where information for the indicators have not been reported the reasons for this are explained.



## **Climate Change, Flood Risk and Water Management**

### Energy and climate change

5.5. Appendix 1 sets out that the Council will monitor renewable energy schemes; energy use by type and carbon dioxide emissions.

#### **Monitoring Indicators: ACS Policy 1 & SA 9, 10 / LPD Policy 1, 2 & SA 10, 11**

- Tables 3, 4, 5, 6 and 7 provide a list of planning permission granted for types of renewable energy schemes since 2011.
- Table 8 shows that between 2011 and 2021, there was a decrease in average domestic electricity and gas use, a decrease in average industrial/commercial electric use and an increase in average industrial/commercial gas use.
- Table 9 shows that between 2011 and 2020, there was a decrease in energy consumption deriving from coal, manufactured fuels, petroleum and electricity and an increase in energy consumption deriving from gas and biofuels.
- Table 10 shows that between 2011 and 2020, the total carbon dioxide emissions per capita has reduced from 4.6 to 3.3 tonnes of carbon dioxide.

**Table 3: Planning permissions granted for wind turbine schemes since 2011**

<b>Ref</b>	<b>Description</b>	<b>Date granted</b>
2010/0025	Erect wind turbine on 18 metre steel mast, 13 metre diameter. St Georges Hill Cottage, Georges Lane, Calverton.	21 May 2010
2010/0244	Erection of two wind turbines at Woodborough Park, Foxwood Lane.	19 August 2010
2011/0523	Single wind turbine with a generating capacity of 330 kW in Woodborough.	20 April 2016
2012/0840	Single wind turbine with generating capacity of 0.1mw at Burntstump landfill site in Calverton.	21 December 2012
2012/1472	Single wind turbine with a generating capacity of 2.5mw at Severn Trent Water site in Stoke Bardolph.	26 September 2013
2014/0556	Single wind turbine with a generating capacity of 0.5mw at Barracks Farm in Papplewick.	1 December 2014
2014/1168	Single wind turbine with a generating capacity of 1.5mw at Newstead and Annesley Country Park.	18 July 2016
2016/0571	Wind turbine with a maximum height of 100m, associated infrastructure to include building and crane hardstanding in Newstead And Annesley Country Park.	18 July 2016

**Table 4: Planning permissions granted for solar power schemes since 2011**

<b>Ref</b>	<b>Description</b>	<b>Date granted</b>
2011/0191	Extension including siting of PV Solar Panels at 282 Longdale Lane in Ravenshead.	19 April 2011

2011/0981	New entrance porch extension. First Floor extension to accommodate new staircase, new roof tiles throughout, new solar PV roof tiles, new retrofit photovoltaic solar modules system on roof. Insulated render system applied to external rendered walls, internal alterations, Woodborough Mill, Epperstone By Pass.	11 October 2011
2011/1102	Installation of solar array on existing flat roof on side of property, 48 Salcombe Drive Redhill.	24 November 2011
2011/1117	The proposal is for the installation of a ground mounted system of 16 Sharp 245Wp solar panels.	29 December 2011
2011/1144	Installation of ground based solar PV system.	28 November 2011
2011/1430	Installation of 80 solar photovoltaic arrays over two flat roofs of the Kestrel Business Centre building, Kestrel Business Centre, Road No 2 Colwick.	15 February 2012
2012/0049	The installation of solar photovoltaic panels to parts of 5 roofs on the site, for the microgeneration of electricity using an inverter, Nottinghamshire Fire And Rescue Headquarters Bestwood Lodge Drive.	20 February 2012
2012/0068	Erect two storey front extension, single storey extension to rear and side and solar panels to rear roof, 281 Main Street Calverton.	22 March 2012
2012/0121	Solar PVs installed at Council assets – Civic Centre, Jubilee House, the Depot and Richard Herrod Centre.	27 February 2012
2012/0439	Retention of Photovoltaic Solar Panels, Village Hall, Lingwood Lane.	25 September 2012
2012/1335	Solar Photovoltaic Farm on part of the former Gedling Colliery site.	23 October 2013
2014/0633	Solar photovoltaic (PV) farm with an installed electricity generation capacity of 5.5 MWp (p-peak production) generating approximately 5,000,000 kWh of electricity per annum, on part of the former Gedling Colliery site.	8 September 2014
2014/0596	Installation of Solar PV panels to front and rear roof slopes of commercial building at 10 Chapel Lane Arnold.	10 July 2014
2015/0058	To install wind and solar powered lights on the multi use games area (MUGA) at Newstead, Multi Use Games Area Tilford Road Newstead Nottinghamshire.	3 July 2015
2015/0352	A 100kW Solar PV array at Little Tithe Farm, Blidworth Lane	8 July 2015
2015/0862	Erection of a 4MW PV Solar Farm and associated infrastructure in Calverton	25 Aug 2016

2015/1079	Variation of condition 2 to allow for the siting of an additional 46 solar panels within the existing site area (REF 2015/0352), Little Tithe Farm, Blidworth Lane, Calverton.	24 November 2015
2016/0266	Erection of a timber summer house. Installation of solar heating at Hall Mews 5 Hall Lane Papplewick.	1 June 2016
2016/0740	Retention of Solar Panels, Foxhills Foxwood Lane Woodborough .	21 April 2017
2016/1140	Installing a solar panel array at 322 Spring Lane Lambley .	22 December 2016
2018/0193	A Ground Mounted Solar PV Array at Calverton Fish Farm, Moor Lane.	22 May 2018
2019/0907	Up to 10 solar panels mounted on a freestanding aluminium and wooden adjustable stand at 5 Douglas Crescent Carlton.	13 December 2019
2021/0110	Single storey extension to existing banqueting hall and solar panels to existing roof slope in Goosedale Farm Goosedale Lane.	11 May 2021
2022/0430	To fit solar panels to the pitched roof (south and east), as well as a south facing flat roof, 65 Nottingham Road, Ravenshead.	30 June 2022
2021/1471	Variation of condition 2 (Plans) of planning permission 2020/1054 to provide solar PV panels and air source heat pumps to plots 71-80 and 120-125 and solar PV panels to plots 1-14, 20-24, 33-41, 126-127, Land At Rolleston Drive, Arnold	1 July 2022
2022/1282NM A	Non-material amendment relating to planning permission 2021/1471 in relation to solar panels on plots 86-89 incl and 120-125 incl, Land At Rolleston Drive, Arnold	15 December 2022
2022/0223PN	Installation of PV solar equipment on a non-domestic premises, Sherwood Lodge, Sherwood Lodge Drive, Arnold	5 April 2022
2022/1012NM A	6 GSE in roof system solar panels to be added to the roof of the property, 3 either side of the window, Plot 8 96 Plains Road, Mapperley	16 September 2022
2022/0779	8KW solar panels system in the rear garden, Cobblestone Lodge, Lamins Lane, Bestwood, Nottingham	12 December 2022
2020/1072	Installation of solar panels to south facing roof, 51 Main Street, Lambley	17 February 2023
2022/1284	Installation of three solar powered carports, Sherwood Lodge, Sherwood Lodge Drive, Arnold	17 March 2023
2022/1359	Installation of solar panels to restored pitched roof, Youth Centre ,13 Shearing Hill, Gedling	15 March 2023

**Table 5: Planning permissions granted for biofuel schemes since 2011**

Ref	Description	Date granted
2010/0332	Chimney for biomass boiler at Calverton Fish Farm	7 July 2010
2014/1376	Timber constructed heat cabin to house two biomass boilers, thermal store and pellet store at Sherwood Lodge Police Headquarters.	16 March 2015
2015/0004	Biomass boilers at Sherwood Lodge Police Headquarters.	28 April 2015
2018/0111	Biomass boilers to provide up to 120kW energy at Charnwood Court Nursing Home.	24 April 2018
2019/0989	Installation of biomass boiler in Dorket Head Farm, 431 Calverton Road, Arnold.	6 January 2020

**Table 6: Planning permissions granted for heat pump schemes since 2011**

Ref	Description	Date granted
2011/0930	Retain installation of air source heat pump, Elysium, Newstead Abbey Park.	14 October 2011
2013/0246	Installation of an air source heat pump (Danfoss AT6), 428 Carlton Hill, Carlton.	08 April 2013
2015/0599	Installation of 2 no. 9kW Air Source Heat Pumps, 1-3 Stokers Cottages, Rigg Lane, Papplewick.	4 September 2015
2016/0788	Associated landscaping and external works; new paths; foul and surface water drainage provision; site lighting; external air source heat pump condenser compound, Gedling Country Park Spring Lane.	16 December 2016
2020/0027	Installation of a Stiebel Eltron WPL25 12kW air source heat pump, 32 Rowan Avenue, Ravenshead.	24 February 2020
2020/0828	Variation of condition 2 (approved drawings) of permission 2017/0157 for the inclusion of air source heat pumps to be positioned on external elevation of the building, Site of 72 To 74 Westdale Lane East Gedling.	2 November 2020

**Table 7: Planning permissions granted for renewable solid fuel schemes since 2011**

Ref	Description	Date granted
2011/0401	Diversification of a farming business to include the production of renewable solid fuel by the processing of wood at Silverland Farm in Ravenshead.	21 July 2011

**Table 8: Average electricity and gas use (mean consumption) per meter in kilowatt hours (kWh)**

	Electricity use per meter: domestic users	Electricity use per meter: non-domestic users	Gas use per meter: domestic users	Gas use per meter: non-domestic users
2011	3,986	61,662	15,529	880,835
2021	3,480	50,855	13,791	1,148,489

Source: <https://www.gov.uk/government/collections/sub-national-gas-consumption-data> and <https://www.gov.uk/government/collections/sub-national-electricity-consumption-data>

**Table 9: Energy consumption by type in tonnes of oil equivalent (ktoe)**

	Coal	Manufactured fuels	Petroleum products	Gas	Electricity	Bioenergy & wastes
2011	0.9	4.3	37.8	90.6	30.9	1.7
2020	0.5	2.3	33.5	99.0	28.8	3.7

Source: <https://www.gov.uk/government/collections/total-final-energy-consumption-at-sub-national-level>

**Table 10: Carbon dioxide emissions estimates: industry, commercial, domestic and transport sectors (tonnes of CO2 per capita)**

	Industry	Commercial	Domestic	Transport	Total (t CO2) per capita
2011	90.2	54.9	240.0	114.0	4.6
2020	75.5	30.1	174.4	93.6	3.3

Source: <https://www.gov.uk/government/collections/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics>

### Flooding and water quality

5.6. Appendix 1 sets out that the Council will monitor the number of planning permissions implemented against Environment Agency and Local Lead Flood Authority advice, the number of developments incorporating Sustainable Urban Drainage Systems and the area of and number of households within Flood Zones 2 and 3.

### **Monitoring Indicators: ACS Policy 1 & SA 8 / LPD Policy 3, 4, 5, 6 & SA 8, 9**

- Zero planning permissions have been granted contrary to Environment Agency or Local Lead Flood Authority advice (including advice on flood risk, water quality and aquifers) since 2011. The information is available on the following website [www.gov.uk/government/publications/environment-agency-objections-to-planning-on-the-basis-of-flood-risk](http://www.gov.uk/government/publications/environment-agency-objections-to-planning-on-the-basis-of-flood-risk). Where objections from statutory bodies are received the Council takes due regard and technical matters would be satisfied by a planning condition upon granting permission.
- Table 11 shows that there has been an increase of 32.36 hectares of land and 589 houses within Flood Zones 2 or 3 between 2011 and 2022.

- All new buildings granted planning permission since 2011 have either incorporated Sustainable Drainage Systems or a condition was attached to the decision requiring details for the disposal of surface water to be approved before commencement of the development in accordance with the Council's standard approach, to ensure that any flooding risks are fully mitigated.

**Table 11: Area and households within Flood Zones 2 and 3**

<b>Year</b>	<b>Area in Flood Zones 2 or 3</b>	<b>Number of households in Flood Zones 2 or 3</b>	<b>Number of households in Flood Zone 2</b>	<b>Number of households in Flood Zone 3</b>
2011	1,189.47 ha	4,600	N/A	N/A
2012	1,233.00 ha	5,154	N/A	N/A
2013	1,233.00 ha	5,154	N/A	N/A
2014	1,233.00 ha	5,154	N/A	N/A
2015	1,233.00 ha	5,154	N/A	N/A
2016	1,233.00 ha	5,154	N/A	N/A
2017	1,180.83 ha	5,495	2,104	3,391
2018	1,206.00 ha	N/A	N/A	N/A
2019	1,232.00 ha	5,033	1,352	3,681
2020	1,211.70 ha	5,007	1,325	3,682
2021	1,221.83 ha	5,263	1,789	3,474
2022	1,221.83 ha	5,189	1,842	3,347
2023	1,221.76 ha	5,263	1,789	3,474

N/A = data not available

## Waste management facilities

5.7. Appendix 1 sets out that the Council will monitor the number of new waste management facilities by type.

### **Monitoring Indicators: ACS SA 9, 10 / LPD SA 10, 11**

- Table 12 shows that nine new waste management facilities have been granted planning permission by Nottinghamshire County Council as waste authority since 2011. There has been one new waste facilities granted planning permission in the Borough during the monitoring period.

**Table 12: Planning permissions granted for waste management facilities since 2011**

Ref	Description	Date granted
2011/0548 NCC	Change of use of land and buildings for a waste management facility to handle wastes including metals, end of life vehicles and their associated parts including plastics & waste electrical components, aggregates and non-hazardous wastes at Private Road No 2, Colwick Industrial Estate.	9 November 2011
2011/1167 NCC	Change of use to allow for the construction and operation of a Roadsweeper Waste Reception Bay. R C Tuxford Exports, Hollinwood Lane, Calverton	13 January 2012
2013/0890 NCC	Development of an anaerobic digestion facility. This is understood to be operational but may not be working at full capacity. Private Road No.4, Colwick Industrial Estate	13 November 2013
2017/0962 NCC	Change of use of land to accommodate a small sewage pumping station. Land to the north of Stoke Lane, Stoke Bardolph	15 September 2017
2019/0017 NCC	Change of use of existing buildings from waste water transfer station and B1, B2 and B8 to plastic recycling. Private Road No 2, Colwick Industrial Estate	21 January 2020
2019/1089 NCC	Application for habitat enhancement and provision of open space through sustainable use of material arising from the construction of the Gedling Access Road. Land off Arnold Lane, Gedling	22 January 2020
2021/0599 NCC	Retrospective planning application to retain:- - Unit 1: Parts and storage racking to rear of main site office; Increased refuse derived fuel (RDF) Area; Bays in aggregate area; Storage bays in wood recycling yard; SRF refinement plant; Scrap metal storage area and associated works. - Unit 2 : External storage area of baled sorted waste; Storage bays adjacent bale storage area;	30 June 2021

Ref	Description	Date granted
	Storage bays to rear of processing shed & Mobile glass cleaner and associated works. Enviro Building, Private Road No 4, Colwick Industrial Estate, Colwick	
2021/0648 NCC	Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production associated works. Land off Private Road No. 3, Colwick Industrial Estate, Nottingham, Colwick	14 September 2021
2022/0158 NCC	Use of existing yard area and workshop and storage building as part of the material recycling operations. Land off Hollinwood Lane, Calverton	20 April 2022



## **Environmental Protection**

### **Environmental consultees**

- 5.8. Appendix 1 sets out that the Council will monitor the number of planning applications approved against the advice of the Council's Public Protection (Scientific) Officer, the Coal Authority and the Health and Safety Executive.

### **Monitoring Indicators: LPD Policy 7, 8, 9, 10**

- Zero planning applications during the monitoring period were approved against the advice of Gedling Borough Council's Scientific Officer who provides technical advice on land contamination and air quality.
- Zero planning permissions for development have been granted contrary to advice from the Coal Authority since 2011. Where objections from statutory bodies are received the Council takes due regard and technical matters would be satisfied by a planning condition upon granting permission.
- Zero planning permissions for development have been granted contrary to advice from the Health and Safety Executive since 2011. Where objections from statutory bodies are received the Council takes due regard and technical matters would be satisfied by a planning condition upon granting permission.

### **Air quality management**

- 5.9. Appendix 1 sets out that the Council will monitor air quality management and whether development accords with the requirements of the Air Quality and Emissions Mitigation guidance.

### **Monitoring Indicators: LPD Policy 11 & SA 8, 9**

- There is one Air Quality Management Area in Gedling Borough. The A60 Mansfield Road from its junction with Oxclose Lane and Cross Street south to its junction with Egerton Road in Woodthorpe was designated in April 2011 and an Air Quality Action Plan adopted in 2012 and revised/updated in 2019.
- The Department for Environment, Food & Rural Affairs expects local planning authorities to work towards reducing emissions and/or concentrations of PM2.5 (fine particulate matter) regardless of levels. There is clear evidence that PM2.5 has a significant impact on human health, including premature mortality, allergic reactions, and cardiovascular diseases even at very low levels.
- In 2019 the Council updated the 'Air Quality and Emissions Mitigation: Guidance for Developers', which sets out borough-wide measures to help reduce vehicle emissions occurring as a result of development and construction emissions during development. The document is incorporated into Policy LPD 11 of the Part 2 Local Plan.
- The Council's Scientific Officer is consulted on planning applications where issues of air quality and emissions mitigation arise and provides

technical comments in relation to interpreting the Air Quality and Emissions Mitigation guidance. It is generally the approach that conditions where appropriate, or otherwise advisory notes, are attached to planning decisions where these are requested. The guidance is given weight under Policy LPD 11. Zero planning permissions have been granted where an objection has been raised by the Council's Scientific Officer.

## **Green Belt**

### **Green Belt land**

5.10. Appendix 1 sets out that the Council will monitor the percentage of planning permissions granted contrary to Policy LPD 13 and Policy LPD 14 of the Part 2 Local Plan (proposals that increase the floor space of an existing building or replacement building by more than 50%), the number of homes for rural workers granted planning permission, the location/area of land removed from the Green Belt and progress in producing a Part 2 Local Plan.

#### **Monitoring Indicators: ACS Policy 3 & LPD Policy 13, 14, 16, 17**

- The Council adopted the Local Planning Document (Part 2 Local Plan) in July 2018. The Part 2 Local Plan released 215 hectares of Green Belt land across the Borough in accordance with Policy 3 of the Aligned Core Strategy. This represents a 2% reduction. 73% of Gedling Borough is now Green Belt (8,794 hectares).
- Since the Part 2 Local Plan was adopted, five planning permissions have been granted for disproportionate additions (above 50% of the original floor space), as set out in Policy LPD 13 and Policy LPD 14 of the Part 2 Local Plan. Table 13 sets out the reasons for these.
- Zero homes were granted planning permission for rural workers in the Green Belt (in accordance with Policy LPD 17 of the Part 2 Local Plan) in 2022/23.

**Table 13: Planning permissions granted for development in the Green Belt with an increase in floor space being over 50% since the adoption of the Local Planning Document**

<b>Ref</b>	<b>Summary of reason for approval</b>	<b>Date granted</b>
2018/0569	Extension 104% over original floor space. Very Special Circumstances demonstrated.	15 August 2018
2020/0889	Extension over 50% of original floor space. Very Special Circumstances demonstrated.	8 December 2020
2021/0110	Extension over 50% of original floor space. Very Special Circumstances demonstrated due to economic benefits relating to Goosedale Farm.	11 May 2021
2020/1177	Extension 255% over original floor space. Very Special Circumstances demonstrated due to economic benefits relating to Goosedale Farm.	6 July 2021
2021/0929	Extension 67% over original floor space. Very special circumstances demonstrated that would outweigh the limited harm identified.	24 September 2021

### **Safeguarded land**

5.11. Appendix 1 sets out that the Council will monitor the status of safeguarded land and why any planning permissions have been granted.

#### **Monitoring Indicators: ACS Policy 3**

- The planning status of each safeguarded land site is set out in Table 14.

**Table 14: Planning status of safeguarded land**

<b>Site</b>	<b>Planning status</b>
Top Wighay Farm, Hucknall	Safeguarded for future development in the Part 2 Local Plan. Part of the safeguarded land is proposed for residential development in the emerging Greater Nottingham Strategic Plan.
Oxton Road/ Flatts Lane, Calverton	Safeguarded for future development in the Part 2 Local Plan.
Moor Road, Bestwood Village	Safeguarded for future development in the Part 2 Local Plan.
Mapperley Golf Course	Safeguarded (Protected) from future development in the Part 2 Local Plan.
Lodge Farm Lane, Arnold	Safeguarded (Protected) from future development in the Part 2 Local Plan.
Glebe Farm, Gedling Colliery	Safeguarded (Protected) from future development in the Part 2 Local Plan.
Spring Lane, Lambley	Safeguarded (Protected) from future development in the Part 2 Local Plan.

## **Natural Environment**

### **Nationally and internationally designated site and species**

5.12. Appendix 1 sets out that the Council will monitor Sites of Special Scientific Interest, progress on the designation of Special Protection Areas and losses/gains to priority habitats.

#### **Monitoring Indicators: ACS Policy 17 / LPD Policy 18 & SA 6, 7**

- There is one Site of Special Scientific Interest in Gedling Borough which is Linby Quarries, the condition of which is 81.24 % 'favourable' and 18.76 % 'unfavourable – no change'. The information is provided by Natural England (<https://designatedsites.naturalengland.org.uk>). There has been no net change in the monitoring period.
- The potential possible Sherwood Forest Special Protection Area has been considered for being formally proposed for designation since prior to the preparation of the Aligned Core Strategy (Part 1 Local Plan). No progress has been made towards formal designation of the Sherwood Forest Special Protection Area.
- The baseline information on losses and gains in priority habitat is not currently available for Gedling Borough.

### **Locally Designated Sites**

5.13. Appendix 1 sets out that the Council will monitor the number, area and net change of Local Nature Reserves, Local Wildlife Sites, Local Geological Sites and the number of Local Wildlife Sites under positive conservation management.

#### **Monitoring Indicators: ACS Policy 16, 17 & SA 6, 7 / LPD Policy 18 & SA 6, 7**

- Table 15 shows there are five Local Nature Reserves in Gedling Borough all of which have a management plan in place. The Hobbucks Management plan has expired and is being updated.
- Tables 16 and 17 set out the number and area of Local Wildlife Sites in Gedling Borough and the number of those under positive management using Single Data List Indicator 160. Information on Local Wildlife Sites and Local Geological Sites is provided by the Nottinghamshire Biological and Geological Records Centre. During 2022/23, there was a small increase in the size of three sites; Gedling Colliery Site and Dismantled Railway, Little Rickets Lane Scrub, and Newstead Park (including River Leen System), along with a larger decrease in the size of one site; Longdale Plantation, which has resulted in a small reduction in the overall area of Local Wildlife Sites.
- Table 18 sets out the number and area of Local Geological Sites, which were first identified in 2018.

**Table 15: Local nature reserves**

Site	Designated	Area (ha)	Management
Gedling House Woods	1992	4.79 ha	Friends of Gedling House Woods
Gedling House Meadow	2007	5.93 ha	Friends of Gedling House Woods
Netherfield Lagoons	2007	51.01 ha	Gedling Conservation Trust
The Hobbucks	2015	9.79 ha	Gedling Borough Council/ Friends of the Hobbucks
Gedling Country Park	2018	106.77 ha	Gedling Borough Council supported by Friends of Gedling Country Park

**Table 16: Local wildlife sites**

Year	Total sites	Area (ha)
Spring 2011	80	1,198.06 ha
Spring 2012	85	1,227.27 ha
Spring 2013	83	1,227.48 ha
Spring 2014	88	1,232.09 ha
Spring 2015	83	1,250.53 ha
Spring 2016	82	1,250.53 ha
Spring 2017	83	1,268.12 ha
Spring 2018	87	1,272.56 ha
Spring 2019	86	1,275.37 ha
Spring 2020	85	1,284.45 ha
Spring 2021	82	1,250.80 ha
Spring 2022	78	1,249.95 ha
Spring 2023	78	1,247.11 ha

**Table 17: Local wildlife sites under positive management**

Year	Total sites	Sites under positive management	Percentage under positive management
2011/12	68	24	35.3%
2016/17	79	22	27.8%
2018/19	79	23	29.1%
2019/20	85	N/A	N/A
2020/21	82	N/A	N/A
2021/22	78	N/A	N/A
2022/23	78	N/A	N/A

**Table 18: Local geological sites**

Site	Area (ha)
Bestwood II (Wildman's Wood) Quarry	18.36 ha
Culley Quarry, Linby (Yellowstone Quarry)	0.34 ha
Gedling Colliery Sidings	0.34 ha
Gedling Colliery Sidings/B	1.23 ha
Gedling Colliery Sidings/C	0.41 ha

## Woodland and Ancient Woodland

5.14. Appendix 1 sets out that the Council will monitor net changes in woodland area and ancient woodland and the number of planning permissions resulting in the loss of ancient woodland.

### **Monitoring Indicators: ACS SA 6, 7 / LPD Policy 18 & SA 6, 7**

- Forestry Commission statistics on woodland show as at March 2018 there was 1,763.5 hectares of woodland in Gedling Borough. This figure was 1,764.7 hectares in 2014. Forestry Commission reports are available on the following website <https://www.forestryresearch.gov.uk/tools-and-resources/national-forest-inventory>.
- The Forestry Commission recorded approximately 55.1 hectares of ancient woodland in Gedling Borough in 2020. This has decreased from 56.8 hectares in 2019.
- During the monitoring period no planning permissions have been granted that resulted in the loss of trees within designated ancient woodland.

## **Open Space and Recreational Facilities**

### Open space

5.15. Appendix 1 sets out that the Council will monitor the setting of green infrastructure policies in the Part 2 Local Plan; the area of new open spaces by type and net change; the number of open spaces and financial contributions towards open spaces secured via Section 106 agreements; the amount of greenfield land lost to new development, and the net change in Local Green Spaces.

**Monitoring Indicators: ACS Policy 16 & SA 6, 7/ LPD Policy 20, 21, 22 & SA 2, 6, 7**

- The Part 2 Local Plan includes Policy LPD 20 and Policy LPD 21 which seek to protect existing green infrastructure and provide new green infrastructure (10% on sites 0.4 hectares and above).
- Table 19 shows the area of open space in the Borough by type, as recorded by the Council's Parks and Street Care team. It is noted that there may be some overlap between the categories. The 2018 figure equates to the area of open spaces shown on the Local Planning Document Policies Map.
- Table 20 shows the amount of greenfield land lost to new large development for housing (10 dwellings or more) and other uses. For information, land is considered 'lost' upon commencement of development.
- Open spaces committed from s106 agreements are set out in Table 21. There have been no new Open Spaces committed through Section 106 Agreements during 2022/23.
- Table 22 shows that there are 29 Local Green Spaces in Gedling Borough, which are designated through the adoption of a Development Plan including the Part 2 Local Plan and Neighbourhood Plans. There has been no net loss of designated Local Green Spaces since they were designated. It should be noted that Local Green Spaces in Burton Joyce were designated in the Part 2 Local Plan and not in the Neighbourhood Plan.

**Table 19: Area of open space by type and net change**

<b>Type of Open Space</b>	<b>Area in LPD (2018)</b>	<b>Net change since 2018</b>
Allotments	24.41 ha	N/A
Amenity greenspaces	113.13 ha	N/A
Cemeteries	26.39 ha	N/A
Green corridors	0.99 ha	N/A
Natural and semi natural urban green	107.4 ha	N/A
Outdoor sports facility	348.24 ha	N/A
Parks and gardens	446.01 ha	N/A
Play areas/young people	22.09 ha	N/A



Type of Open Space	Area in LPD (2018)	Net change since 2018
Recreation ground/sport	10.18 ha	N/A

N/A = data not available

**Table 20: Amount of greenfield land (ha) lost to new large development since 2011**

Year	Site Name	Type	Area lost
2011/12	147 homes on Ashwater Drive allocation site (allocated in 2005 Local Plan).	Residential	4.58 ha
2012/13	49 homes on Howbeck Road allocation site (allocated in 2005 Local Plan).	Residential	1.50 ha
2012/13	113 homes on Main Street and Hollinwood Lane, Calverton (designated safeguarded land).	Residential	3.76 ha
2013/14	18 homes on Park Road in Bestwood Village.	Residential	0.29 ha
2014/15	38 homes on part of the Top Wighay Farm strategic site.	Residential	1.47 ha
2015/16	No loss.		
2016/17	150 homes on Spring Lane allocation site (H6).	Residential	9.88 ha
2017/18	237 homes on North of Papplewick Lane strategic site.	Residential	7.87 ha
2018/19	No loss.		
2019/20	199 homes (phase 1) on part of the Teal Close strategic site.	Residential	4.80 ha
2019/20	66-bedroom care home on the Teal Close strategic site.	Residential care home	0.44 ha
2020/21	164 homes on part of the Howbeck Road/ Mapperley Plains allocation site (H7).	Residential	7.69 ha
2020/21	14 homes on Wood Lane allocation site (allocated in 2005 Local Plan).	Residential	0.72 ha
2020/21	14 homes on Mill Field Close allocation site (H20) in Burton Joyce.	Residential	0.75 ha
2021/22	Additional 18 homes on North of Papplewick Lane strategic site.	Residential	0.91 ha
2021/22	353 homes (phase 2) on part of the Teal Close strategic site.	Residential	11.32 ha
2021/22	Unit 1 and 14 trade counter units on part of the Teal Close strategic site.	Employment	3.4 ha
2021/22	101 homes on part of the Westhouse Farm allocation site (H12) in Bestwood Village.	Residential	3.29 ha
2021/22	351 homes on Park Road allocation site (H16) in Calverton.	Residential	13.6 ha
2022/23	Units 2 to 7 industrial units on part of the Teal Close strategic allocation - comprising 10,312 sq. metres.	Employment	3.05 ha

Year	Site Name	Type	Area lost
2022/23	Glebe Farm 14 homes on land off Glebe Drive, Burton Joyce	Residential	1.24 ha
2022/23	Dark Lane housing allocation (H14) Calverton	Residential	2.22 ha
2022/23	Burton Road, Land to the South - Linden Grove housing allocation (H4)	Residential	3.97 ha

**Table 21: Open space contributions 2022/23**

Ref	Site name	Breakdown of Obligations	Maintenance Contribution	Capital Contribution
None				

Note - Whilst three new Section 106 Agreements and five Deed of Variations were completed during 2022/23, there were no new obligations contained within these agreements in relation to Open Space contributions. The number of new agreements was lower than for the previous year and the nature of the developments that they related to resulted in no Open Space contributions being sought.

**Table 22: Local Green Spaces in the Borough**

Development Plan	Number of Local Green Spaces designated	Designation date
Local Planning Document (Part 2 Local Plan)	9	July 2018
Calverton Neighbourhood Plan	4	November 2017
Papplewick Neighbourhood Plan	6 (including two duplicates also designated in the Part 2 Local Plan)	July 2018
Linby Neighbourhood Plan	12	May 2019
<b>Total</b>	<b>29</b>	

#### Recreational open space and facilities

5.16. Appendix 1 sets out that the Council will monitor Green Flag awarded open spaces; net changes to Country Parks, and the number of planning permissions for new tourism related accommodation.

#### **Monitoring Indicators: ACS Policy 16 & SA 3 / LPD Policy 24 & SA 2, 6, 7**

- Table 23 shows there are five Green Flag awarded parks in Gedling Borough – Arnot Hill Park, Gedling Country Park, Burton Road Jubilee Park, Bestwood Country Park and for the first time Breck Hill Park in 2022.
- There are five Country Parks in Gedling Borough – Bestwood Country Park; Burntstump Country Park; Gedling Country Park; Newstead and Annesley Country Park and Newstead Abbey. No changes in designation have taken place during the monitoring period.

- Three planning permissions for new tourist accommodation have been granted since the adoption of the Local Planning Document as shown in Table 24.

**Table 23: Green Flag awarded to open spaces since 2011**

Open Space	Award	Management
Arnot Hill Park	Since 2007	Managed by the Council and the Friends of Arnot Hill Park. Completed projects include improvements to the lake, play areas, buildings, car parks and security and installation of planting schemes and sculptures.
Gedling Country Park	Since 2016	Managed by the Council supported by the Friends of Gedling Country Park. Completed projects include the play area, café 1899, visitor centre and information, nature trail and sculptures, relocation of the beehives onto the Butterfly walk, Ivan Gollop memorial garden, viewing platforms and extensions to the car park.
Burton Road Jubilee Park	2014-2018 Since 2019	A Friends of Burton Road Jubilee Park group is now involved with the management and development.
Bestwood Country Park	Since 2020	Green Flag awarded summer 2020. The park is owned by Gedling Borough Council and Nottinghamshire County Council. The Council have the maintenance responsibilities for all of the park through a collaborative agreement with County. The Friends of Bestwood Country Park also assist with the development and management with frequent volunteering conservation activities.
Breck Hill Park	First award 2022	Managed by the Council and supported by the Friends of Breck Hill Park. Refurbishment of the playground completed in February 2021.

**Table 24: New tourist accommodation granted permission since the adoption of the Local Planning Document**

Ref	Site name	Accommodation Type	Date granted	Status
2018/0174	272 Longdale Lane, Ravenshead	Change of use to 3 holiday apartments	27 April 2018	Built in 2019.
2018/0115	Lakeside, Mansfield Road, Bestwood	Proposed hotel	7 December 2018	Lapsed permission i.e. not built.
2019/0177	Fairview Farm, Ravenshead	Construct 3 holiday lets	23 April 2019	Unimplemented.

## **Historic Environment**

### **Heritage assets**

5.17. Appendix 1 sets out that the Council will monitor the number of heritage assets by type and area and the number and percentage of heritage assets at risk.

### **Monitoring Indicators: ACS Policy 11 & SA 6, 7 / LPD Policy 26, 27, 28, 29, 30, 31 & SA 3**

- The number of designated and non-designated heritage assets by type in Gedling Borough are:-
  - 195 Listed Buildings (6 Grade I, 15 Grade II\* and 174 Grade II).
  - Nine Scheduled Monuments.
  - Four Registered Parks and Gardens.
  - Six Conservation Areas.
  - 144 non-designated heritage assets.
  
- Further information on Listed Buildings, Scheduled Monuments and Registered Parks and Gardens are available on Historic England's national heritage list website <https://historicengland.org.uk/listing/the-list>. Recent Listed Building entries are reported on the Council's web page [www.gedling.gov.uk/heritage-assets](http://www.gedling.gov.uk/heritage-assets).
  
- The area of each Registered Park and Garden in Gedling Borough is:-
  - Bestwood Pumping Station – 2.35 hectares
  - Newstead Abbey – 287.33 hectares
  - Papplewick Hall – 46.33 hectares
  - Papplewick Pumping Station – 2.75 hectares
  
- Appraisals have been adopted for each of the six Conservation Areas which are available on the Council's website [www.gedling.gov.uk/conservation-areas](http://www.gedling.gov.uk/conservation-areas). An appraisal for Linby Conservation Area has been reviewed and adopted in November 2021. Work to consider the designation of a new Conservation Area in Gedling is underway. Work has also commenced on the review of the Calverton Conservation Area Character Appraisal (2007) with the intent of preparing a new Conservation Area Appraisal and Management Plan for this Conservation Area. The area currently covered by each Conservation Area is:-
  - Bestwood Village – 15.71 hectares
  - Calverton – 14.25 hectares
  - Lambley – 24.62 hectares
  - Linby – 25.54 hectares
  - Papplewick – 55.70 hectares
  - Woodborough – 45.43 hectares

- Table 25 shows that there are five out of 214 (2.3%) designated heritage assets at risk in Gedling Borough and the information is provided in the Heritage at Risk Midlands Register 2022 by Historic England (<https://historicengland.org.uk/advice/heritage-at-risk>). The Council has not identified non-designated heritage assets at risk.
- The Council adopted 'Non Designated Heritage Assets: Selection Criteria' in January 2019 in order to progress the implementation of Policy LPD 31 of the Part 2 Local Plan. The Council has reviewed non-designated heritage assets using the selection criteria document since 2020 and the latest local heritage list was published in March 2022. Further information is available on the Council's web page [www.gedling.gov.uk/heritage-assets](http://www.gedling.gov.uk/heritage-assets).

**Table 25: Designated heritage assets at risk by type**

Type of heritage asset	2012	2022
Listed Buildings	3	4
Conservation Areas	0	0
Scheduled Monuments	1	1
Registered Park and Gardens	0	0
Non-Designated Heritage Assets	0 (not identified)	0 (not identified)

Planning applications in historic environment

5.18. Appendix 1 sets out that the Council will monitor the number of planning applications approved against Historic England advice and the number of Section 106 contributions to manage or conserve heritage assets.

**Monitoring Indicators: LPD Policy 26, 29, 30 & SA 3**

- Zero planning applications were approved against Historic England advice in the monitoring period.
- Zero section 106 obligations entered into related to the management and conservation of heritage assets in the monitoring period.

## Design

### New development

5.19. Appendix 1 sets out that the Council will monitor the density of new development, the number of homes built on residential garden land and progress on setting indicators to improve the standard of design in the Part 2 Local Plan.

#### **Monitoring Indicators: ACS Policy 10 / LPD Policy 33, 34**

- The density of new homes delivered on large sites (50 or more dwellings in the urban area and 10 or more dwelling in the rural area) is shown in Tables 26, 27 and 28. The density policy in the Part 2 Local Plan provides the target of no new development of less than 30 dwellings per hectare with the exception of no new development of less than 20 dwellings per hectare in Burton Joyce, Lambley, Ravenshead and Woodborough, no new development of less than 25 dwellings per hectare in Bestwood Village, Calverton and Newstead and locations where there is convincing evidence of a need for a different figure.
- Table 29 shows that since 1 April 2011, 10% of new homes were constructed on residential garden land.
- The Part 2 Local Plan does not include indicators that monitor the improvement of the standard of design given that there is no framework in place to assess standard of design. The Part 1 Local Plan includes Policy 10 (Design and Enhancing Local Identity) and the Part 2 Local Plan includes Policy LPD 32 (Amenity) and Policy LPD 35 (Safe, Accessible and Inclusive Development), all of which are taken into consideration when determining planning applications.
- Following the submission of an expression of interest for the National Model Design Code: Phase 2 pilots the Council were in receipt of a grant award from the Department for Levelling Up, Housing and Communities in March 2022 to produce a design guide to steer new development in the Borough. The information is available on the following website <https://www.gov.uk/government/news/communities-empowered-to-shape-design-of-neighbourhoods>.

**Table 26: Density of new homes completed on sites of 50 dwellings or more in the urban area (policy requirement is 30 dwellings per hectare (dph)) since 2011**

	<b>Number of dwellings at up to 29 dph</b>	<b>Number of dwellings at 30 dph and over</b>
2011/12	0	55
2012/13	0	158
2013/14	0	177
2014/15	0	136
2015/16	0	52
2016/17	0	27
2017/18	0	89

	Number of dwellings at up to 29 dph	Number of dwellings at 30 dph and over
2018/19	0	163
2019/20	0	250
2020/21	0	130
2021/22	0	262
2022/23	0	406

**Table 27: Density of new homes completed on sites of 10 dwellings or more in Burton Joyce, Lambley, Ravenshead and Woodborough (policy requirement is 20 dwellings per hectare (dph)) since 2011**

	Number of dwellings at up to 19 dph	Number of dwellings at 20 dph and over
2011/12	0	33
2012/13	0	13
2013/14	0	0
2014/15	0	1
2015/16	0	0
2016/17	1	12
2017/18	0	0
2018/19	1	0
2019/20	0	0
2020/21	0	2
2021/22	0	6
2022/23	5	34

**Table 28: Density of new homes completed on sites of 10 dwellings or more in Bestwood Village, Calverton and Newstead (policy requirement is 25 dwellings per hectare (dph)) since 2011**

	Number of dwellings at up to 24 dph	Number of dwellings at 25 dph and over
2011/12	0	46
2012/13	3	0
2013/14	2	6
2014/15	4	77
2015/16	2	55
2016/17	0	9
2017/18	3	11
2018/19	0	15
2019/20	0	4
2020/21	0	6
2021/22	0	14
2022/23	0	132

**Table 29: New homes completed on residential garden land since 2011**

Year	Total (net) completions	Number of completions on garden land	Percentage (%)
2011/12	275	59	21%

<b>Year</b>	<b>Total (net) completions</b>	<b>Number of completions on garden land</b>	<b>Percentage (%)</b>
2012/13	227	32	14%
2013/14	321	35	11%
2014/15	311	30	10%
2015/16	174	36	21%
2016/17	198	40	20%
2017/18	237	26	11%
2018/19	286	29	10%
2019/20	360	21	6%
2020/21	310	27	9%
2021/22	357	34	10%
2022/23	691	18	3%
<b>TOTAL</b>	<b>3,747</b>	<b>387</b>	<b>10%</b>



## Homes

### Housing delivery

5.20. Appendix 1 sets out that the Council will monitor the housing completions (net additional homes); planning progress made on strategic sites and allocated housing sites; the five year land supply of deliverable housing sites; housing completions on previously developed land and windfall sites; and progress made on the Gedling Colliery/Chase Farm as a regeneration site.

**Monitoring Indicators: ACS Policy 2, 7 & SA / LPD Policy 40, 64, 65, 66, 67, 68, 69, 70 & SA 1**

- The Part 1 Local Plan was adopted in September 2014 and sets the housing requirement. The Part 2 Local Plan was adopted in July 2018 and includes housing allocations in line with the objectives of the Part 1 Local Plan.
- The Department for Levelling Up, Housing and Communities published the results of the Housing Delivery Test for 2021 on 14 January 2022 – no results were published in 2022. The 2021 result for Gedling Borough Council was 85% and was based on the three year period 1 April 2018 to 31 March 2021. This was an improved performance in comparison with 68% with the previous Housing Delivery Test result for 2020. Following the Housing Delivery Test results for 2018, 2019 and 2020, the Council was required to publish an Action Plan and a buffer of 20% was added to the supply of deliverable sites for the purposes of housing delivery assessment. The Housing Delivery Test result for 2021 meant that the Council needed to prepare an action plan and that a buffer of 20% no longer needed to be added to its five year housing land supply.
- The Council's Housing Delivery Action Plan was published in July 2022 and has not been updated as the Housing Delivery Test has not been updated. The 2022 Action Plan is available on the following Council's web page [www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/monitoringreports](http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/monitoringreports). As well as including a detailed analysis of the key reasons for the under delivery of the Council's housing requirement the Action Plan identifies the measures the Council intends to undertake to increase/maintain delivery of new housing in Gedling Borough. Many of the actions identified in the previous Housing Delivery Action Plan have already been implemented and a number of actions are ongoing.
- The Council's Five Year Housing Land Supply Assessment 2022 published in November 2023 considers the Borough's supply of housing against the housing target (based on the annual local housing need calculated using the standard method because the housing requirement set out in the Part 1 Local Plan is now out of date). Gedling Borough Council has a 6.76 year supply. The direct web link to the latest five year housing land supply assessment is [www.gedling.gov.uk/5yys](http://www.gedling.gov.uk/5yys).
- The Council updates its Brownfield Land Register annually in accordance with the Housing and Planning Act 2015. The latest Brownfield Land Register is available on the Council's web page [www.gedling.gov.uk/shlaa](http://www.gedling.gov.uk/shlaa).

- Table 30 sets out the housing requirement for the plan period and the number of new homes built since 2011.
- Table 31 sets out progress made with the strategic sites in the Aligned Core Strategy and the housing sites allocated in the Local Planning Document.
- Table 32 sets out the number of housing completions since 2011 on allocated, unallocated and safeguarded land sites. Allocated sites are those that are allocated for residential development in the Local Plan. Unallocated sites are those that are not allocated in the Local Plan, otherwise known as “windfall sites”. Safeguarded land is protected from development during the plan period in order to meet longer term development needs.
- Table 33 sets out the number of new home completions on previously developed land or ‘brownfield’ land since 2011.
- The Chase Farm/Gedling Colliery site is a strategic allocation in the Part 1 Local Plan and was subsequently allocated for housing and employment in the Part 2 Local Plan. A Supplementary Planning Document for the site was approved in 2008. Tables 31 and 40 set out progress made on the residential and employment allocations of this site.

**Table 30: Housing requirement and completions (net) during the plan period**

<b>Locality area</b>	<b>Aligned Core Strategy housing requirement 2011-2028</b>	<b>Local Planning Document 2011-2028</b>	<b>Completions 2011-2022</b>
Urban area (Arnold and Carlton) including Teal Close and Gedling Colliery/Chase Farm sites	4,045	4,890	4,890
Around Hucknall including North of Papplewick Lane and Top Wighay Farm	Approx 1,300 homes including up to 300 homes on North of Papplewick Lane and 1,000 homes on Top Wighay Farm	1,265 homes	254 (211 on North of Papplewick Lane and 38 on Top Wighay Farm)
Key settlement for growth - Bestwood Village	Up to 560 homes	540 homes	116
Key settlement for growth - Calverton	Up to 1,055 homes	820 homes	323
Key settlement for growth - Ravenshead	Up to 330 homes	300 homes	130
Other villages (listed below)	Up to 260 homes	170 homes including 80 homes in Burton Joyce and 50 homes	

Locality area	Aligned Core Strategy housing requirement 2011-2028	Local Planning Document 2011-2028	Completions 2011-2022
		in Woodborough	
• Burton Joyce		80 homes	78
• Lambley			31
• Linby			5
• Newstead			8
• Papplewick			0
• Stoke Bardolph			1
• Woodborough		50 homes	23
<b>Total</b>			<b>3,747</b>

**Table 31: Progress made on strategic sites and allocated housing sites**

Site	Progress and planning status
Teal Close	Allocated for 830 homes. Site has outline planning permission for residential development, employment uses and other uses (2013/0546). First housing phase of 199 homes is currently under construction (2017/0800). Second housing phase of 353 homes is also currently under construction (2019/0152). Reserved matters for the third and final housing phase of 255 homes (2019/0560) granted in July 2022. Total figure granted to date is 807 homes. As at 31 March 2023, 331 dwellings have been built. 184 homes on phase 1 (15 plots remaining) and 147 homes on phase 2 (206 plots remaining) have been built.
North of Papplewick Lane	Allocated for up to 300 homes. The site is currently under construction for 255 homes including an additional 18 homes (2017/0201 and 2020/0258). As at 31 March 2023, 211 homes have been built.
Top Wighay Farm	Allocated for 845 homes. Part of site for 38 homes (2014/0950) is built. Outline planning permission for mixed-use development comprising 805 homes (2020/0050) granted in March 2022.
(H1) Rolleston Drive	Allocated for 140 homes. The site is currently under construction for 131 factory-built affordable homes (2020/1054). As at 31 March 2023 10 homes have been built.
(H2) Brookfields Garden Centre	Allocated for 90 homes. A combined development brief for three sites (H2, H7 and H8) to the north east of Arnold adopted in January 2019. Outline planning permission for up to 32 homes on part of the site (to the rear of Brookfields Garden Centre) (2017/0155) granted in March 2020. This permission lapsed in March 2023 as no works had started on site.
(H3) Willow Farm	Allocated for 110 homes. Development brief (informal guidance) adopted in February 2020. Full planning

	application for 24 houses on part of the site (2021/1398) was submitted in December 2021 and was approved by Planning Committee in January 2023.
(H4) Linden Grove	Allocated for 115 homes. Site is currently under construction for 120 homes (2021/0694). As at 31 March 2023 14 homes have been built.
(H5) Lodge Farm Lane	Allocated for 150 homes. Resolution to grant outline planning application for up to 148 homes (2018/0347) in August 2019 subject to the signing of the s106.
(H6) Spring Lane	Allocated for 150 homes. Site completed in April 2019.
(H7) Howbeck Road/ Mapperley Plains	Allocated for 205 homes. A combined development brief for three sites (H2, H7 and H8) to the north east of Arnold adopted in January 2019. The majority of the site is currently under construction for 164 homes (2019/0213). As at 31 March 2023, 89 homes have been built.
(H8) Killisick Lane	Allocated for 230 homes. A combined development brief for three sites (H2, H7 and H8) to the north east of Arnold adopted in January 2019. The Local Planning Document includes a phasing policy to ensure that development of the site follows the extraction and progressive restoration of the adjoining quarry. Quarry extraction was scheduled to be complete by 2021, however due to COVID-19 the extraction of clay was slower than expected and consent has since been granted to vary the timing phasing condition. It is now anticipated that extraction will be completed by summer 2024 with progressive restoration taking place following this.
(H9) Gedling Colliery/Chase Farm	Allocated for 1,050 homes (updating the strategic location made in the Aligned Core Strategy). Development brief adopted in June 2008. The site currently under construction for 508 homes on phase 1 (2015/1376, 2017/1018, 2017/1076, 2017/1275, 2018/0249, 2018/0392, 2019/0304, 2019/0586, 2019/0759 and 2020/0667). Reserved matters for the second housing phase of 433 homes (2021/1294) granted in March 2022. Total figure granted to date is 941 homes. Resolution to grant full planning application for 24 homes on the remainder part of the site (2022/0200) in June 2022 subject to the signing of the s106. As at 31 March 2023, 438 homes have been built.
(X1) Daybrook Laundry	Allocated for 50 homes.
(X2) Land West of A60 A	Allocated for 70 homes. Site completed in February 2023.
(X3) Land West of A60 B	Allocated for 150 homes. Full planning application for 157 homes was submitted in January 2021 and pending consideration (2021/0072).
(H10) Hayden Lane	Allocated for 120 homes. Full planning application for 135 homes was submitted in April 2022 and pending consideration (2022/0501).

(H11) The Sycamores, Bestwood Village	Allocated for 25 homes. The site is currently under construction for 11 homes (2018/0650 and 2019/0678). As at 31 March 2023, 3 homes have been built.
(H12) Westhouse Farm, Bestwood Village	Allocated for 210 homes. Part of the site is currently under construction for 101 homes (2018/0823). As at 31 March 2023, 30 homes have been built.
(H13) Bestwood Business Park, Bestwood Village	Allocated for 220 homes. Outline planning permission for up to 220 homes (2014/0214) lapsed in March 2018.
(H14) Dark Lane, Calverton	Allocated for 70 homes. The site is currently under construction for 57 homes (2017/1263).
(H15) Main Street, Calverton	Allocated for 75 homes. Outline planning permission for up to 79 homes (2018/0360) granted in April 2021.
(H16) Park Road, Calverton	Allocated for 390 homes. Majority of the site is currently under construction for 363 homes (2022/0584). As at 31 March 2023, 78 homes have been built. Full planning permission for 20 bungalows on the remainder of the site (the car park at North Green) (2018/0817) granted in August 2021
(X4) Flatts Lane, Calverton	Allocated for 60 homes. The site is currently under construction for 82 homes (2020/0822). As at 31 March 2023, 37 homes have been built.
(H17) Longdale Lane A, Ravenshead	Allocated for 30 homes. Full planning application for 33 homes was submitted in January 2023 and is pending consideration.
(H18) Longdale Lane B, Ravenshead	Allocated for 30 homes. Resolution to grant outline planning application for up to 31 homes (2014/0273) in August 2018 subject to the signing of the s106. Approved at Planning Committee in October 2022 to agree amendments to the planning obligations and conditions to facilitate custom/self-build developments.
(H19) Longdale Lane C, Ravenshead	Allocated for 70 homes. Reserved matters for 47 homes (2017/1164) granted in December 2019.
(X5) Kighill Lane A, Ravenshead	Allocated for 20 homes. Being delivered as three separate sites:- <ul style="list-style-type: none"> <li>• The west part of the allocation site (land of 22 Kighill Lane) for six homes was completed in April 2022 (2020/0741).</li> <li>• For the middle part of the allocation site, a new dwelling 16 Kighill Lane was built in August 2019 (2018/1004).</li> <li>• For the east part of the allocation site (land adjacent to 16 Kighill Lane), full planning permission for 7 dwellings (2020/1108/FULL) was granted in May 2021. As of 31 March 2023 1 home has been built.</li> </ul>
(X6) Kighill Lane B, Ravenshead	Allocated for 30 homes. Full application for 11 homes on part of the allocation site was submitted in March 2022 and pending consideration (2022/0250).
(H20) Mill Field Close, Burton Joyce	Allocated for 20 homes. Site completed in March 2022

(H21) Orchard Close, Burton Joyce	Allocated for 15 homes. Reserved matters for 14 homes (2021/0301) granted in August 2021.
(H22) Station Road, Newstead	Allocated for 40 homes. Allocated in the Local Planning Document but not included in housing supply due to uncertainty over delivery, in part due to difficulties regarding access. The public house on site was demolished in early 2018.
(H23) Ash Grove, Woodborough	Allocated for 10 homes. Reserved matters for 12 homes (2007/0831) granted in November 2007. Plot 1 (3 Ash Close) was built in May 2018 (2016/0888). Full planning permission for a dwelling on plot 2 (adjacent to 3 Ash Grove) (2019/1147) granted in March 2020.
(H24) Broad Close, Woodborough	Allocated for 15 homes. Two full planning applications. Resolution to grant full planning application for three detached houses on part of the allocation site to be accessed off Private Road (2019/1079) in August 2020 subject to the signing of the s106. Outline planning application for 11 residential houses on the remainder of the allocation site to be accessed off Broad Close (2019/1080) was submitted in November 2019 and pending consideration.

**Table 32: New homes (net) built on allocated, non-allocated and safeguarded sites since 2011**

	<b>Completions</b>	<b>Allocated (%)</b>	<b>Unallocated (%)</b>	<b>Safeguarded (%)</b>
2011/12	275	134 (49%)	141 (51%)	0 (0%)
2012/13	227	170 (75%)	57 (25%)	0 (0%)
2013/14	321	195 (61%)	120 (37%)	6 (2%)
2014/15	311	154 (50%)	98 (32%)	59 (19%)
2015/16	174	48 (28%)	78 (45%)	48 (28%)
2016/17	198	63 (32%)	135 (68%)	0 (0%)
2017/18	237	91 (38%)	146 (62%)	0 (0%)
2018/19	286	163 (57%)	123 (43%)	0 (0%)
2019/20	360	251 (70%)	109 (30%)	0 (0%)
2020/21	310	196 (63%)	114 (37%)	0 (0%)
2021/22	357	235 (66%)	122 (34%)	0 (0%)
2022/23	691	540 (78%)	151 (22%)	0 (0%)
<b>TOTAL</b>	<b>3,747</b>	<b>2240 (60%)</b>	<b>1394 (37%)</b>	<b>113 (3%)</b>

**Table 33: New homes built on previously developed land (PDL or brownfield land) (gross) since 2011**

	<b>New build</b>	<b>Conversions</b>	<b>Changes of use</b>	<b>Total</b>	<b>All completions</b>	<b>PDL %</b>
2011/12	117	3	9	129	295	44%
2012/13	19	3	5	25	233	11%
2013/14	54	23	12	89	327	27%
2014/15	31	5	15	51	319	16%
2015/16	37	5	11	53	192	28%
2016/17	63	9	31	103	210	49%

	<b>New build</b>	<b>Conversions</b>	<b>Changes of use</b>	<b>Total</b>	<b>All completions</b>	<b>PDL %</b>
2017/18	101	15	25	141	261	54%
2018/19	154	6	15	175	303	58%
2019/20	137	5	43	185	367	50%
2020/21	40	7	45	92	322	29%
2021/22	63	1	28	92	369	25%
2022/23	199	6	16	221	701	32%

### Housing delivery by type

5.21. Appendix 1 sets out that the Council will monitor the number of affordable housing completions (by social, intermediate and affordable rent); the number of housing completions by dwelling type, size, tenure, density and location; the number of planning permissions for specialist accommodation; the number of planning permissions for live work units; and the delivery of self-build and custom homes.

### **Monitoring Indicators: ACS Policy 8 / LPD Policy 36, 37, 39, 41, 42 & SA 1**

- Policy LPD 36 of the Part 2 Local Plan sets out affordable housing requirements of 10%, 20% or 30% dependent on sub-market location. Table 34 shows the overall percentage of housing completions that are affordable, the number of which are social, intermediate and affordable
- Chart 2 shows the types of homes (flat/house) and bedroom size of homes completed since 2011.
- The density of housing completions is set out in Table 26, 27 and 28 above.
- Table 35 shows the specialist accommodation granted permission or built since 2011.
- The Council applies Policy LPD 41 of the Part 2 Local Plan where it is relevant to do so in determining planning applications on live work units. During the monitoring period, six planning permissions have been granted for live work units.
- The Council maintains a joint self-build and custom housebuilding register with Broxtowe Borough, Erewash Borough, Nottingham City and Rushcliffe Borough Councils. Information on the register is available on the following Council's web page [www.gedling.gov.uk/selfbuild](http://www.gedling.gov.uk/selfbuild). Information from the register has been used to support the determination of planning applications and will inform the implementation of Policy LPD 42 of the Part 2 Local Plan. Table 36 provides the number of entries added to Gedling's register for each base period. The register did not have a local connection test when it was set up in 2016. The register was revisited in 2018 and the revised registration form which now includes local connection criteria was launched on 31 October 2018. As a result of this review the number of entries on the register is split between part 1 and part 2 of the register.
- Table 37 provides the number of suitable self-build and custom build plots for each base period.

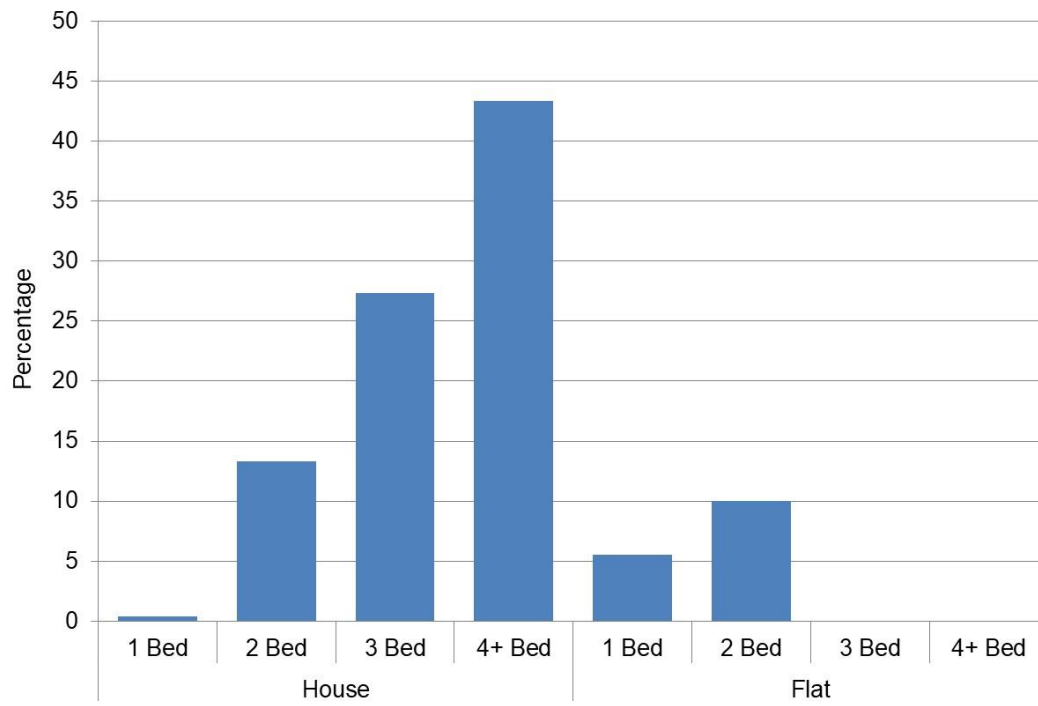
- The Council introduced a self-build matchmaker service in June 2021 which aims to match landowners who are considering selling their land with people who want to build their own home within Gedling Borough. Information on the matchmaker service is available on the Council's web page [www.gedling.gov.uk/selfbuild](http://www.gedling.gov.uk/selfbuild).

**Table 34: Percentage of affordable homes delivered since 2011**

Year	Net completions	Affordable homes type delivered	Total affordable
2011/12	275	Social rent: 42 Intermediate: 12 Affordable rent: n/a	54 (20%)
2012/13	227	Social rent: 7 Intermediate: 12 Affordable rent: 17	36 (16%)
2013/14	321	Social rent: 7 Intermediate: 21 Affordable rent: 28	56 (17%)
2014/15	311	Social/affordable rent: 23 Intermediate: 15	38 (12%)
2015/16	174	Social/affordable rent: 12 Intermediate: 6	18 (10%)
2016/17	198	Social rent: 28 Intermediate: 11	39 (20%)
2017/18	237	Social rent: 28 Intermediate: 24	52 (22%)
2018/19	286	Social rent: 22 Intermediate: 28	50 (17%)
2019/20	360	Social/affordable rent: 11 Intermediate: 8	19 (5%)
2020/21	310	Social/affordable rent: 24 Intermediate: 7	31 (10%)
2021/22	357	Social/affordable rent: 29 Shared ownership: 8	37 (10%)
2022/23	691	Social/affordable rent: 103 Shared ownership: 21 First Homes: 4	128 (18%)

**Chart 2: Type and size of housing completions since 2011**





**Table 35: Specialist accommodation granted permission or built since 2011**

Ref	Site name	Type	Proposal and number of bedrooms	Date granted	Status
2010/1118	The Maid Marian (Coppice Road), Arnold	Elderly	New development. 64 beds.	31 March 2011	Built June 2012.
2011/0223	Mansfield Road (738), Woodthorpe	Dementia care	New development. 31 beds.	21 April 2011	Built April 2012.
2012/0618	Grey Goose, Gedling	Elderly	New development. 52 beds.	26 July 2012	Built Nov 2013.
2014/0033	St Andrews House, Mapperley	Elderly	Conversion of sheltered housing to apartments. 32 beds.	9 May 2014	Built May 2015.
2015/1268	Braywood Gardens (Millbrook Drive), Carlton	Elderly	Extension of care home. +12 beds.	23 December 2015	Built June 2016.
2017/0614	Moriah House, Carlton	Elderly	Extension of care home. +16 beds.	11 July 2017	Built November 2018.
2018/0318	Eden Lodge, Bestwood Village	Elderly	Demolish and replace existing care home. 64 beds.	6 September 2018	Lapsed.
2019/1191	Teal Close, Netherfield (Rivendell View)	Elderly	New development. 66 beds.	11 March 2020	Built March 2021.
2020/0880	Ernehale Lodge, Arnold	Elderly	Extension of care home. +7 beds	2 December 2020	Not implemented.
2021/0484	274 Porchester Road, Mapperley	Children's home	Change of use from dwelling house to care home. 6 beds.	21 June 2021	Not implemented.
2021/0847	7 Dawlish Court Mapperley	Children's home	Change of use from dwelling house to care home. 4 beds.	17 September 2021	Completed October 2023
2021/0674	26 Breck Hill Road, Woodthorpe	Children's home	Change of use from dwelling house to care home. 3 beds.	24 September 2021	Not implemented.

Ref	Site name	Type	Proposal and number of bedrooms	Date granted	Status
2021/0968	30 Church Street Arnold	Children's home	Change of use from dwelling house to care home. 3 beds.	26 October 2021	Completed March 2022
2021/1138	160 Mapperley Plains, Mapperley	Children's home	Change of use from dwelling house to care home. 3 beds.	19 November 2021	Completed in December 2021 .
2021/1421	Orla House, 317 Mapperley Plains	Elderly	3 additional bedrooms: 2 additional residents (15 to 17)	5 April 2022	Site is under construction.
2022/0348	1 Hughes Lane, Gedling	Children's home	Change of use from dwelling house to children's home. 3 children & 3 caregivers	1 June 2022	Not implemented.
2021/1466	1 Forester Road, Carlton	Children's home	Change of use from res. dwelling to a children's home. 2 children & 3 caregivers	8 July 2022	Completed in January 2022.
2020/1312	53 Woodthorpe Drive, Woodthorpe	Elderly	A new build residential care home for 40 residents	19 July 2022	Site is under construction.
2022/1120	160 Mansfield Lane, Calverton	Children's home	Change of use from dwelling house to children's home. 3 children & 2 staff	25 November 2022	Completed in May 2023.

**Table 36: Number of entries added to Gedling's self-build register for each base period (31 October to 30 October)**

Base period	Number of entries in total	Number of entries on Part 1	Number of entries on Part 2
Base period 1: 1 April 2016 to 30 Oct 2016	20	N/A	N/A
Base period 2:	47	N/A	N/A

Base period	Number of entries in total	Number of entries on Part 1	Number of entries on Part 2
31 Oct 2016 to 30 Oct 2017			
Base period 3: 31 Oct 2017 to 30 Oct 2018	35	N/A	N/A
Base period 4: 31 Oct 2018 to 30 Oct 2019	31	19	12
Base period 5: 31 Oct 2019 to 30 Oct 2020	28	19	9
Base period 6: 31 Oct 2020 to 30 Oct 2021	46	33	13
Base period 7: 31 Oct 2021 to 30 Oct 2022	42	26	16
Base period 8: 31 Oct 2022 to 30 Oct 2023	31	22	9

N/A = not applicable

**Table 37: Number of planning permission for serviced plots suitable for self and custom build granted for each base period (31 October to 30 October)**

	Number of plots suitable
Base period 1: 1 April 2016 to 30 Oct 2016	11
Base period 2: 31 Oct 2016 to 30 Oct 2017	22
Base period 3: 31 Oct 2017 to 30 Oct 2018	31
Base period 4: 31 Oct 2018 to 30 Oct 2019	12
Base period 5: 31 Oct 2019 to 30 Oct 2020	17
Base period 6: 31 Oct 2020 to 30 Oct 2021	14
Base period 7: 31 Oct 2021 to 30 Oct 2022	11
Base period 8: 31 Oct 2022 to 30 Oct 2023	4

### Accessibility of homes

5.22. Appendix 1 sets out that the Council will monitor the percentage of households with sustainable access to community facilities.

#### **Monitoring Indicators: ACS Policy 12 & SA 9 / LPD SA 12**

- The percentage of households within 800 metres/10 minutes' walk of a bus stop with an hourly or better daytime bus service (weekdays 0600-1800) in Gedling Borough is 94%. By comparison the percentage of such households within 400 metres/ 5 minutes' walk is 74%. The number of

total households with access to public transport is not available. The information is based on data collated in February 2023 by Nottinghamshire County Council Performance, Intelligence and Policy.

### Empty homes, homelessness and house prices

5.23. Appendix 1 sets out that the Council will monitor the number of vacant homes; the number of homelessness acceptances; average house prices; and population by group.

#### **Monitoring Indicators: ACS SA 1 / LPD SA 1**

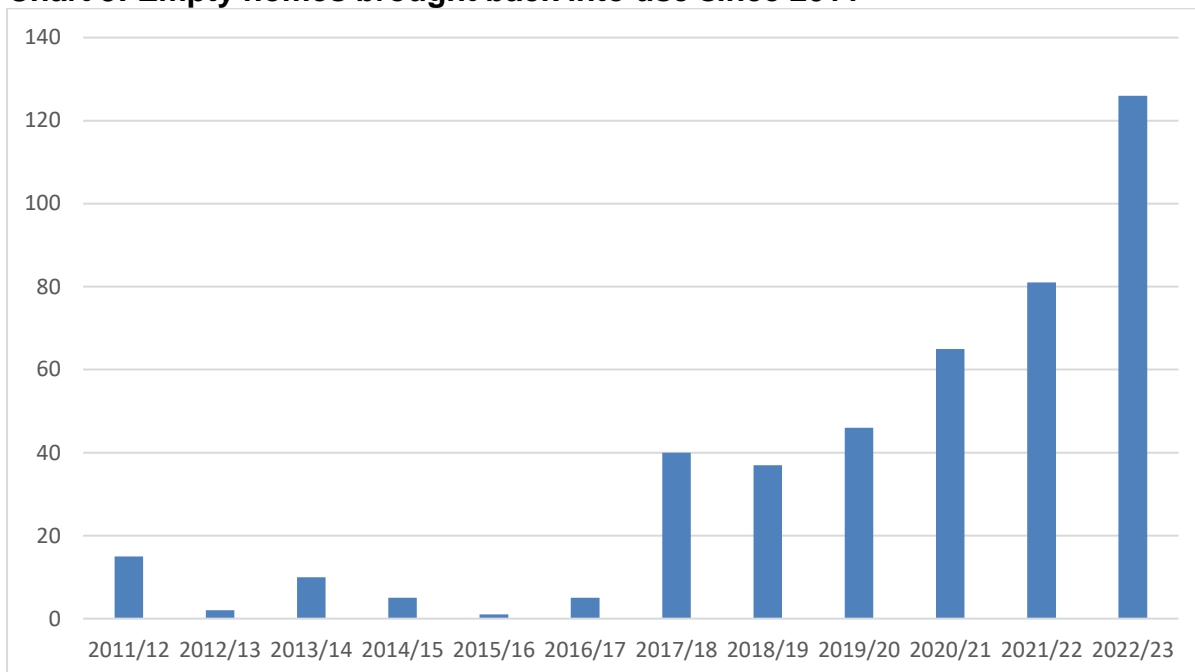
- The number of empty homes (those that are unoccupied for council tax purposes) by ownership type is set out in Table 38. The Council has taken measures to reduce empty homes including reducing the council tax discount that empty homes can benefit from, charging a council tax 100% premium on properties that have been empty for two to five years and a 200% premium on properties empty for over five years, operating a service to help owners of empty properties to find investors and employing an Empty Homes Officer.
- The Council takes a proactive approach to bringing empty homes in the Borough back into use. An Empty Homes officer has been in post since June 2017. Chart 3 shows the number of homes brought back into use each year since March 2011.
- The number of homelessness acceptances is set out in Table 39. The Council prevents homelessness in the majority of cases by advocating on behalf of tenants; mediating between young people and their parents; and assisting people to find private or social rented housing. The significant rise in acceptances from 2018/19 reflects changes brought about by the Homelessness Reduction Act 2017.
- Population by group is set out in the demographics section in this report.
- Chart 4 shows the average house prices for all property types (detached, semi-detached, terraced and flats) from March 2011 to March 2022. Information on average house prices are available on the following website <https://landregistry.data.gov.uk/app/ukhpi>.

**Table 38: Number of empty homes (unoccupied for Council Tax purposes) since 2013**

	Private	Local authority	Registered social housing	Total
2013	1,735	3	31	1,769
2014	1,431	3	53	1,487
2015	1,490	0	34	1,524
2016	1,268	1	122	1,391
2017	1,372	2	108	1,482
2018	1,595	2	86	1,683
2019	1,391	5	99	1,495
2020	1,464	6	80	1,550
2021	1,252	5	68	1,325

	Private	Local authority	Registered social housing	Total
2022	1,295	8	59	1,362
2023	1,438	8	61	1,507

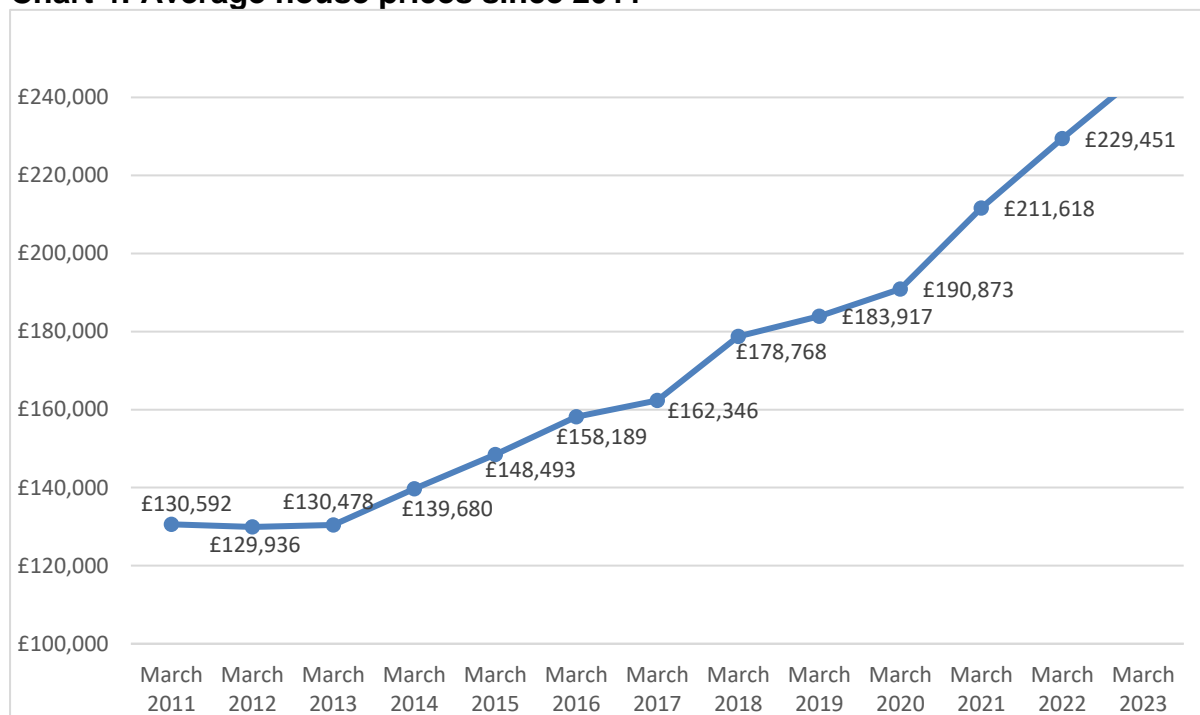
**Chart 3: Empty homes brought back into use since 2011**



**Table 39: Number of homelessness acceptances since 2012**

Year	Number of homelessness acceptances
2012/13	56
2013/14	51
2014/15	74
2015/16	75
2016/17	100
2017/18	99
2018/19	351
2019/20	358
2020/21	288
2021/22	268
2022/23	286

**Chart 4: Average house prices since 2011**



### Gypsy and travellers pitches

5.24. Appendix 1 sets out that the Council will monitor the number of pitches granted planning permission and delivered for gypsy and traveller communities.

#### **Monitoring Indicators: ACS Policy 9 & SA 1 / LPD Policy 38 & SA 1**

- The 2016 Gypsy and Traveller Accommodation Assessment indicated that there was a requirement for three additional pitches in Gedling Borough between 2014 and 2029 and the Part 2 Local Plan therefore sets out that a site for three pitches would be identified in the built up area of Gedling Borough.
- No pitches have been granted planning permission or delivered in Gedling Borough since April 2011. The Greater Nottingham and Ashfield Council Gypsy and Traveller Accommodation Assessment (March 2021) confirmed the need for one additional pitch for gypsy and traveller accommodation and eight plots for travelling showpeople up to 2038. The Greater Nottingham authorities will continue to work together on this strategic issue, including through the preparation of the Greater Nottingham Strategic Plan, and the extent of existing and new provision of pitches and plots will be kept under review as will the potential need for stopping places.

## **Employment**

### **Employment delivery**

5.25. Appendix 1 sets out that the Council will monitor planning progress made on strategic and allocated employment sites and the supply/availability of employment land by type and area.

#### **Monitoring Indicators: ACS Policy 4 & SA 12, 13, 14 / LPD Policy 71 & SA 13, 14, 15**

- The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as Use Classes. For any planning applications submitted the Use Classes will be used to determine it. The Use Classes were last updated on 1 September 2020 and the new Class E introduced uses previously defined in the revoked Classes covering employment uses B1. The existing uses B2 and B8 remain unchanged.
- Table 40 shows the progress made on employment allocations in the Part 2 Local Plan.
- Table 41 sets out the available supply of employment land on non-allocated sites with planning permission.

**Table 40: Progress made on allocated employment sites**

<b>Allocated Site</b>	<b>Progress and planning status</b>
Teal Close	Allocated site for 7 hectares. The Employment Land Needs Study (2021) recalculates the site area as 8.6 hectares gross and 6.45 hectares net. Outline planning permission (2013/0546) granted in June 2014. Reserved matters (2019/0614) in relation to part of the employment area – unit 1 and trade park – was granted in November 2019. The trade park element is 4,905 sq. m of B8 and unit 1 is 2782.4 sq. m for B1, B2 and B8 uses. Permission built in September 2021. Reserved matters (2019/0615) for six employment units within the remainder of the employment area for B1, B2 and B8 uses comprising 10,312 sq. m granted in June 2021. Permission built in September 2022. The employment allocation is now complete.
Top Wighay Farm	Allocated site for 8.5 hectares. The Employment Land Needs Study (2021) recalculates the site area as 8.55 hectares gross and 6.5 hectares net based on outline planning permission 2020/0050 for mixed-use development including land for employment purposes (up to 49,500 m <sup>2</sup> of B1 and B8 uses) granted in March 2022. The office B1a element is 8,000 sq. m. Planning application for office building use for 3,412 sq. m (on a site area of 5.7 ha) class E (g)(i) within part of the employment allocation (7/2022/0050NCC) granted by Nottinghamshire County Council in July 2022. The site area includes access roads, landscaping and surface water drainage. The site for the office building is estimated to be 1.3 ha and therefore if implemented the residual employment land allocation is around 5.2 ha.



Allocated Site	Progress and planning status
Gedling Colliery/Chase Farm	Allocated site for 5 hectares. The Employment Land Needs Study (2021) recalculates the site area as 4.12 hectares gross and 2.45 hectares net. Outline planning permission for a mix of employment units, pub/restaurant and a drive through unit (2017/1571) granted in July 2020.
Hillcrest Park	Allocated site for 1 hectare.

**Table 41: Available supply of employment land on non-allocated sites with planning permission (above 1 ha site area or 1,000 square meters floor space)**

Ref	Site	Use class	Proposal	Date granted
2020/0873	Colwick Industrial Estate (Midland Catering, Road No 5)	E(g), B2 and B8	Full permission for demolition of existing two industrial units and erection of 18 units in 3 blocks. 170 sq. m to be replaced with erection of 18 B1, B2 and B8 units comprising 1,251 sq. m (a net gain of 1,081 sq. m). Construction commenced April 2022	15 January 2021
2022/0798	Former Total petrol Storage Site off Road No 3	E (g) (iii) B2/B8	Full permission for erection of a building for a builders merchant and erection of 13 units for logistics and industrial uses.  Comprises 9,457.8 sq. m on 2.52 ha.	13 <sup>th</sup> January 2023.

### Employment development

- 5.26. Appendix 1 sets out that the Council will monitor the net addition of new office floor space and industrial and warehouse development (i.e. by type and location); the area of employment land lost to residential and other uses; new industrial and warehouse floor space taken up on non-allocated sites; the number of planning permissions granted for rural/employment business development; the percentage of large developments including Local Labour Agreements.
- 5.27. The Council is also monitoring the gross take up of employment land and office space from 1<sup>st</sup> April 2018 (over 500 sq. m of floorspace or 0.1 hectares and above) to 31<sup>st</sup> March 2023 in order to coincide with the forecasting period for the Employment Land Study May 2021 undertaken by Lichfields which has assessed employment land needs over the period 2018 - 2038 and used as evidence for the emerging Greater Nottingham Strategic Plan.

**Monitoring Indicators: ACS Policy 4 & SA 12, 13, 14 / LPD Policy 44, 45, 47, 48 & SA 13, 14, 15**

- There has been no net new office development during the monitoring period (over 1,000 square metres floor space or 1 hectare site size) as shown in Table 42.
- There has been a net gain of 15,477 sq. m sq. m new industrial and warehouse units (over 1,000 square metres floor space or 1 hectare site size) during the monitoring period as shown in Table 42. This includes completion of phase 1 at Teal Close, a new development for six industrial units for B1, B2 and B8 uses comprising 10,312 sq. m (2019/0615). Phase 2 was completed in September 2021 and reported in the 2021/22 AMR although this contained an error in that this development comprised 7,687 sq. m and not 6,877 sq. m as reported. A new warehouse has also been constructed south of the Colwick Loop Road off Road Number 3, Colwick Industrial Estate comprising (2021/1080) comprising 1,470 sq m for a builders' merchant on 1.34 ha. Planning application 2021/0502 has also been implemented for the demolition of existing units and for a new rear extension at Ken Wilkins Print, Road Number 1, Colwick Industrial Estate resulting in a net gain of 3,695 sq. m (completed November 2022).
- Between 31<sup>st</sup> March 2018 and 31<sup>st</sup> March 2023 2,299 sq. m of office space and 9.66 hectares industrial / warehousing land have been completed (over 500 sq. m floorspace or 0.1 ha site size).
- Table 43 sets out the area of employment land (above 0.1 hectares) lost to residential or other uses. During the monitoring period there have been no employment land lost to residential or other uses over the threshold.
- There were no planning applications granted for rural employment / business development over the monitoring period under LPD Policy 47 of the Part 2 Local Plan.
- Table 44 provides a list of developments in Gedling Borough which included local labour agreement. Table 38 reports on the number of local labour agreements in place. It is intended that more detail will be provided in future authority monitoring reports.

**Table 42: Gain and loss of office and industrial and warehouse floor space since 2011**

Year	Office floor space B1(a) and E(g)(i)	Industrial and warehouse floor space B1(b), B1(c), E(g)(ii), E(g)(iii), B2 and B8
2011/12	0 sq. m	-2,760 sq. m
2012/13	0 sq. m	-1,320 sq. m
2013/14	0 sq. m	0 sq. m
2014/15	0 sq. m	-2,760 sq. m
2015/16	0 sq. m	0 sq. m
2016/17	0 sq. m	-880 sq. m
2017/18	9,630 sq. m	7,800 sq. m
2018/19	0 sq. m	0 sq. m
2019/20	-193 sq. m	0 sq. m
2020/21	-109 sq. m	3,200 sq. m

Year	Office floor space B1(a) and E(g)(i)	Industrial and warehouse floor space B1(b), B1(c), E(g)(ii), E(g)(iii), B2 and B8
2021/22	-3,707 sq. m	160 sq. m
2022/23	0 sq. m	15,477 sq. m
<b>Total</b>	<b>5,621 sq. m</b>	<b>18,917 sq. m</b>

Threshold: Gain is above 1 ha site area or 1,000 square metres floor space. Loss is amount of whole floor space lost to residential or retail development for sites over 0.1 hectares.

**Table 43: Area of employment land (above 0.1 hectares and development commenced) lost to residential or other uses since 2011**

Year	Losses in employment or regeneration area	Amount lost to residential development only
2011/12	0 ha	0.69 ha
2012/13	0.33 ha	0.33 ha
2013/14	0 ha	0 ha
2014/15	1.40 ha	0 ha
2015/16	0 ha	0 ha
2016/17	0 ha	0.22 ha
2017/18	0 ha	0 ha
2018/19	0 ha	0 ha
2019/20	0 ha	0.10 ha
2020/21	0 ha	0.32 ha
2021/22	0 ha	5.32 ha
2022/23	0 ha	0 ha
<b>Total</b>	<b>1.73 ha</b>	<b>6.98 ha</b>

**Table 44: Local Labour Agreements secured**

Ref	Site	Proposal	Agreement
2016/0854	Metallifactory Ltd	Erection of 72 dwellings	Local Labour Agreement
2018/0577	Wood Lane	Residential development of 14 houses	Local Labour Agreement
2018/0549	Carlton Police Station	Conversion of former police station into 42 apartments	Employment and Skills Plan
2018/0607	Land North West, Park Road, Calverton	Residential development of up to 365 dwellings	Employment and Skills Plan
2018/1143	Land on Flatts Lane, Calverton	Erection of up to 84 dwellings	Employment and Skills Plan
2018/1034	Land Off Orchard Close, Burton Joyce	Erection of up to 15 dwellings	Employment and Skills Plan
2017/0155	Brookfields Garden Centre	Erection of up to 32 dwellings	Employment and Skills Plan
2019/0213	Land to the West Mapperley Plains	Erection of 164 dwellings	Local Labour Agreement

Ref	Site	Proposal	Agreement
2019/1186	Linden Grove, Gedling	Residential development for up to 120 dwellings	Local Labour Agreement
2017/1263	Dark Lane, Calverton	Erection of 57 dwellings	Local Labour Agreement
2019/1031	Earl of Chesterfield, Carlton Hill	Erection of 23 sheltered accommodation flats with one office	Local Labour Agreement
2020/0050	Top Wighay Farm	Mixed-use development comprising 805 homes, land for employment purposes, a Local Centre and a 1.5 form entry Primary School	Employment and Skills Plan
2020/1054	Land at Rolleston Drive, Arnold	Residential development for 140 dwellings	Employment and Skills Plan
2020/0954	The Phoenix, Shelford Road, Gedling	Construction of 26 self-contained flats	Employment and Skills Plan
2018/0817	Car Park, North Green , Calverton	Erect 20 No. single storey bungalows	Employment and Skills Plan
2018/0360	Land south of Main Street, Calverton	Residential development for up to 79 dwellings	Employment and Skills Plan
2020/1312	53 Woodthorpe Drive, Woodthorpe	Residential care home for 40 residents.	Employment and Skills Plan
2022/0240	Netherfield Methodist Church, Victoria Road, Netherfield	Conversion of property and change of use to 13 one bed residential units	Employment and Skills Plan
2020/1254	Site of High Clere Lodge, 73 Burton Road, Carlton	Residential development of 20 apartments	Employment and Skills Plan
2021/1398	Land at Grange View Road, Gedling	Residential development of 24 dwellings.	Employment and Skills Plan

### Employment profile

5.28. Appendix 1 sets out that the Council will monitor the overall number of jobs, Borough's employment supply, employment and unemployment rate, earnings by type, employment profile by type and the qualifications by type of the working age population.

### **Monitoring Indicators: ACS Policy 4 & SA 12, 13, 14 / LPD SA 13, 14, 15**

- Employment profile information is from the Office for National Statistics. A profile report for Gedling Borough is available on the following website <https://www.nomisweb.co.uk/reports/lmp/la/1946157165/report.aspx>.

- At the time of writing, qualification estimates for Jan 22 to Dec 23 are temporarily suspended and not yet available. Table 45 shows that for the period January 2021 to December 2021 that 82.7% of the working age population of Gedling Borough are qualified to NVQ2 or above. Table 45 shows a breakdown of qualifications by type.
- Table 46 shows the overall number of employee jobs in Gedling Borough.
- The employment and unemployment rate in Gedling Borough is set out in Table 47.
- The employment profile of Gedling Borough residents is shown in Table 48.
- The weekly earnings for full-time workers is shown in Table 49. Whilst wages have risen since 2011 the gap in pay between male and female full time employees has widened.

**Table 45: Qualifications of Gedling Borough working age residents by type (January 2021 to December 2021)**

Individual Levels	Number of residents	Percentage (%)
NVQ4 and above	25,300	35.0%
NVQ3 and above	41,700	57.7%
NVQ2 and above	59,800	82.7%
NVQ1 and above	66,600	92.0%
Other qualifications	N/A	N/A
No qualifications	4,000	5.6%

**Note: at the time of writing qualification estimates for Jan 22 to Dec 23 are temporarily suspended and not yet available. The above table is for the year January 2021 to December 2021**

**Table 46: Employee jobs in Gedling Borough (excluding farm-based agriculture, self-employed, government-supported trainees and HM forces) (2011 and 2021)**

Year	(Full-time employee jobs)	(Part-time employee jobs)	Total employee jobs
2011	17,000	12,000	29,000
2022	21,000	13,000	34,000

**Table 47: Number of working age people (16+) in employment, self-employed and unemployed in Gedling Borough (2010/11 and 2022/23)**

Year	People in employment (including self-employed)	Self-employed	Unemployed
April 2010 – March 2011	56,300 (74.1%)	6,100 (7.0%)	3,700 (6.2%)
April 2022 – March 2023	55,000 (74.7)	4,800 (6.0%)	2000 (3.5%)

**Table 48: Employment profile of Gedling Borough by occupation (working age) (2010/11 and 2022/23)**

<b>Employment Group</b>	<b>April 2010 – March 2011</b>	<b>April 2022 – March 2023</b>
Managers, directors and senior officials	12.4%	13.1%
Professional occupations	17.6%	28.8%
Associate professional and technical	8.8%	10.3%
Administrative and secretarial	14.1%	10.7%
Skilled trades occupations	11.3%	7.1%
Caring, leisure and other service occupations	11.2%	No data
Sales and customer services occupations	8.0%	10.1%
Process plant and machine operatives	6.7%	7.5%
Elementary occupations	9.9%	No data

**Table 49: Earnings by residence (gross weekly pay) (2011 and 2022)**

	<b>Male Full-Time Workers</b>	<b>Female Full-Time Workers</b>	<b>Full-Time Workers (all)</b>
2011	£501.00	£387.10	£456.70
2022	£ 659.50	£ 479.20	£ 587.30

## **Retail and Community Facilities**

### **Retail monitoring**

5.29. Appendix 1 sets out that the Council will monitor retail need, the health and diversity of uses of local centres, the proportion of vacant units, the amount of office floor space created in local centres; the number of planning permissions granted for upper floor uses; the amount of retail floor space approved outside of local centres; and the number of planning applications for A1 uses above 500 square metres with an Impact Assessment.

### **Monitoring Indicators: ACS Policy 6 / LPD Policy 50, 51, 52 & SA 13, 14, 15**

- The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as Use Classes. For any planning applications submitted the Use Classes will be used to determine it. The Use Classes were last updated on 1 September 2020 and the new Class E introduced uses previously defined in the revoked Classes covering retail uses A1, A2, A3 with other retail uses A4 and A5 being under sui generis.
- Retail need has been established in the 'Broxtowe, Gedling, Nottingham City and Rushcliffe Retail Study (2015)' and the findings of which for Gedling Borough are summarised in Table 50.
- Table 51 shows that the health and diversity of Arnold town centre and local centres is monitored by measuring the percentages of uses of ground floor frontages. The target percentages are set out in Policy LPD 50 of the Part 2 Local Plan.
- Vacancies within Arnold town centre and local centres between 2011 and 2020 are also shown in Table 52.
- No new office floor space (over 1,000 sq. m floor space or 1 hectare site size) has been completed in Arnold town centre during the monitoring period. However, seven new retail units at ground floor level with flexible commercial space above were completed at Arnold Market Place as part of the AMP scheme (planning application 2021/0240) comprising 850 sq. m of retail and commercial space completed on 28<sup>th</sup> October 2022.
- No planning permissions were granted for new retail development (over 1,000 sq. m floor space or 1 hectare site size) within town and local centres during the monitoring period.
- Hybrid application for a balancing lagoon (full application) and outline permission for local shops at the Gedling Colliery/Chase Farm site (2020/1255) was granted in December 2021. When implemented, the centre will be added to Tables 51 and 52 in future authority monitoring reports.
- Planning permission (2020/1292) was granted on 21<sup>st</sup> May 2021 for a new food store comprising 1818 sq. m which is to be part of the new local centre for the Teal Close strategic site as reported in the previous AMR. This foodstore was constructed during the monitoring period. A reserved matters application was approved on 21<sup>st</sup> May 2021 (2019/0613) for the appearance, landscaping and layout of the Local Centre comprising of a public house, commercial retail terrace and children's day nursery which is

under construction. The retail terrace has a total of 371.6 sq. m. The combined floor area of the food store and local centre is 3,447 sq. m. When fully implemented, the local centres will be added to Tables 51 and 52 in future authority monitoring reports.

- The amount of retail floor space approved and built outside of defined centres is set out in Table 53.
- Policy LPD 51 of the Part 2 Local Plan has been used to justify planning permissions for change of use of upper floors to retail uses and other uses. During the monitoring period eight planning permissions were granted with reference to this Policy as shown in Table 54.
- Zero applications for A1 uses above 500 sq. m, and therefore requiring a Retail Impact Assessment under Policy LPD 52 of the Part 2 Local Plan, were determined by the Council during the monitoring period.

**Table 50: Additional convenience and comparison goods retail floor space required**

Year	Type of retail floor space required	Arnold Town Centre (sq. m)	Carlton Square District Centre (sq. m)	Local Centres (sq. m)	Rest of Borough (residual floor space) (sq. m)	Total (sq. m)
2019	Convenience	285	180	141	-5485	<b>-4879</b>
2019	Comparison	732	57	75	-2582	<b>-1715</b>
2024	Convenience	543	343	269	-4682	<b>-3527</b>
2024	Comparison	2091	159	210	-1195	<b>1265</b>
2028	Convenience	761	474	-4682	-4036	<b>-2427</b>
2028	Comparison	3392	266	345	231	<b>4234</b>

**Table 51: Percentage of frontage by uses of ground floor units within town and local centres (April 2023)**

Shopping Centre	Shops	Financial and professional services	Café or restaurant	Pub or drinking establishment	Take away	Other non-retail uses
Arnold Town Centre (Primary Area)	65%	14%	5%	8%	2%	8%
Arnold Town Centre (Secondary Area)	38%	9%	3%	10%	11%	30%
Burton Joyce Local Centre	40%	11%	4%	0%	9%	36%
Calverton Local Centre	45%	0%	9%	0%	12%	34%
Carlton Hill Local Centre	50%	5%	7%	4%	9%	24%



Shopping Centre	Shops	Financial and professional services	Café or restaurant	Pub or drinking establishment	Take away	Other non-retail uses
Carlton Square Local Centre	53%	0%	6%	0%	16%	25%
Gedling Village Local Centre	40%	7%	8%	7%	11%	27%
Mapperley Plains Local Centre	52%	12%	13%	7%	6%	10%
Netherfield Local Centre	45%	4%	5%	3%	6%	38%
Ravenshead Local Centre	50%	19%	5%	0%	6%	21%

**Table 52: Percentage of vacancies of ground floor units within local centres (April 2023).**

Shopping Centre	August/September 2011	March 2023
Arnold Town Centre (Primary Area)	9%	12%
Arnold Town Centre (Secondary Area)	6%	7%
Burton Joyce Local Centre	0%	5%
Calverton Local Centre	5%	5%
Carlton Hill Local Centre	9%	7%
Carlton Square Local Centre	24%	4%
Gedling Village Local Centre	5%	4 %
Mapperley Plains Local Centre	3%	11 %
Netherfield Local Centre	13%	9 %
Ravenshead Local Centre	0%	0%

**Table 53: Retail and other town centre use developments permitted and built outside of town and local centres (over 1,000 sq. m floor space or 1 hectare site size) since 2011**

Ref	Site	Proposal	Date granted	Status
2011/0887	Victoria Retail Park (Unit 1)	Unit 1 demolished and re-developed for three new retail units.	3 November 2011	Built.
2012/1031	Victoria Park	Demolition of Unit 1 and redevelopment for three retail units.	5 December 2018	Built in May 2014.
2013/0497	Land South of Colwick Loop Road	A4 public house and A3 restaurant or A5 hot food takeaway.	12 December 2013	Lapsed.
2013/0500	Land South of Colwick Loop Road	Hybrid application for full permission for A1 retail, petrol filling	30 January 2014	A1 retail store (Sainsbury's) built in

Ref	Site	Proposal	Date granted	Status
		station and outline permission for B1/B2/B8 employment uses.		November 2021.
2013/1518	The White Hart	Former public house demolished and redeveloped for a new retail food store.	15 May 2014	Built.
2016/0808	Former B&Q, 786 Mansfield Road	Installation of a mezzanine floor to add 1,115 sq. m of A1 retail floor space within an existing retail building.	22 September 2016	Implemented December 2016.
2020/1292	Teal Close (part of new local centre)	New retail store. Total 1,818 sq. m.	21 May 2021	Implemented January 2023
2020/1174	Timmermans Garden Centre, Woodborough	Demolition of commercial buildings and the erection of 15 artisan outlets and play barn. Net gain 175 sq. m.	3 June 2021	Not implemented.

**Table 54: Permissions for change of use of upper floors to retail uses and other uses since the adoption of the Local Planning Document**

Ref	Site	Proposal	Date granted
2018/0625	347 Carlton Hill, Carlton	Redevelopment of existing shop and 3 flats on first and second floors.	31 August 2018
2018/0901	938 942 Woodborough Road	Change use of first floor to A3 use.	04 December 2018
2019/0145	1A Standhill Road, Carlton	Change of use of part of first floor to barbers A1 use.	13 March 2019
2019/0002	28 Victoria Road, Netherfield	Change of use of first floor to form 5 No. flats (C3 use) including first floor side extension, loft conversion and external alterations.	29 March 2019
2019/0457	388 Carlton Hill, Carlton	Change of use of first and second floor to residential.	19 July 2019
2020/0037	53A Main Street Burton Joyce	Retrospective change of use from estate agency office to osteopathic clinic.	04 March 2020

Ref	Site	Proposal	Date granted
2021/0145	41A Plains Road	Change of use of first floor from A2 (Use Class E, since 1st September 2020) to aesthetics clinic and training (Sui Generis).	8 April 2021
2021/0997 PN	116 St Austell Drive	Change of use of upper floors to residential.	8 October 2021
2021/0682	2A Mayfield Road	Erection of first floor over existing retail unit to also be used as Use Class E (Commercial, Service and Business class).	27 August 2021
2021/0227	43B Plains Road	Change of use from accountant office (B1) to training centre (D1).	25 May 2021
2021/1326	4 Coppice Road	Change of use of first floor to two 1 bed residential units with shared kitchen accommodation.	8 <sup>th</sup> August 2022
2022/1119	31 Plains Road	Change of use and extension to ground floor to create bar restaurant and erection of two storey side and rear extensions with commercial unit at ground floor with four apartments and office space above.	7 <sup>th</sup> February 2023
2021/1135	135 - 141 Front Street	Demolition of existing building and the creation of residential departments and a ground floor commercial unit	12 <sup>th</sup> December 2022
2021/1343	908 Woodborough Road, Mapperley	Construction of a two storey rear extension to the existing public house use	7 June 2022
2022/0319 PN	Byron House 140 Front Street Arnold	Convert first and second floor offices to 12 self-contained residential flats	13 May 2022
2022/0831	17 Main Road, Gedling	Extension comprising one self-contained flat above	11 November 2022
2022/1010	15 Kenrick Street, Netherfield	Conversion and partial demolition of old cinema and 15 Kenrick Street for	8 December 2022

Ref	Site	Proposal	Date granted
		residential development comprising 8 dwellings	
2021/0936	Regenerate 53 Front Street, Arnold	Erection and conversion from ancillary storage to residential apartments	15 March 2023

### Community facilities

5.30. Appendix 1 sets out that the Council will monitor the number of community centres, GP practices, health facilities, leisure centres, museums and libraries and the development of major sporting facilities.

### **Monitoring Indicators: ACS Policy 13 & SA 2, 3, 5 / LPD SA 2, 5**

- Table 55 records the number of local facilities within Gedling Borough which include the following:-
  - 18 community centres – seven council operated (The Brickyard, Burton Road, Killisick, Pond Hills Lane, Westdale Lane, Eagles Nest and Haywood Road). Information on the council operated community centres is available on the following website [www.gedling.gov.uk/resident/community/communitycentres](http://www.gedling.gov.uk/resident/community/communitycentres). There are also other community centres not operated by the Council (Bestwood Village Community Centre, Colwick Community Centre, Netherfield St Georges Centre, Papplewick & Linby Village Hall, Burton Joyce & Bulcote Village Hall, Calverton Village Hall, Woodborough Village Hall, Lambley Village Hall, Ravenshead Village Hall, Stoke Bardolph Village Hall and Newstead Centre). Note the table does not include private sector community centres in the Borough, and the figure differs from last year due to a revised definition.
  - 15 GP practices. Information is available on the following website <https://www.bestcarecompare.com>.
  - Six leisure centres – five council operated (Arnold, Redhill, Carlton Forum, Calverton and Richard Herrod) and one operated by Ravenshead Parish Council. Information on the council operated leisure centres is available on the following website [www.gedling.gov.uk/leisure/ourcentres](http://www.gedling.gov.uk/leisure/ourcentres). Note the table does not include private sector leisure facilities in the Borough.
  - Two accredited museums (Papplewick Pumping Station and Newstead Abbey). Unaccredited museums include Bestwood Winding Engine House; Burton Joyce Centre for Local History and Calverton Folk Museum. Information is available on the following website <https://finds.org.uk/contacts/accreditedmuseums>.

- Nine libraries. Information is available on the following website [www.inspireculture.org.uk/reading-information/find-a-library](http://www.inspireculture.org.uk/reading-information/find-a-library).
- No major sporting facilities have been developed in Gedling Borough since 1 April 2011.

**Table 55: Number of local facilities**

	Community centres	GP practices	Leisure centres	Museums	Libraries
Arnold and Carlton	9	12	4	0	6
Bestwood Village	1	0	0	0	0
Calverton	1	1	1	0	1
Ravenshead	1	0	1	0	1
Burton Joyce	1	2	0	0	1
Lambley	1	0	0	0	0
Linby	0	0	0	0	0
Papplewick	1	0	0	1	0
Newstead	1	0	0	1	0
Stoke Bardolph	1	0	0	0	0
Woodborough	1	0	0	0	0
<b>Total</b>	<b>18</b>	<b>15</b>	<b>6</b>	<b>2</b>	<b>9</b>

### Community information

5.31. Appendix 1 sets out that the Council will monitor life expectancy at birth, residents' participation in sport and crime by type.

### Monitoring Indicators: ACS Policy 12 & SA 2, 4 / LPD Policy & SA 4

- Life expectancy within the Borough is set out in Table 56. The information is available at the following website <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/datasets/lifeexpectancyestimatesallagesuk>.
- Residents' participation in sport in Gedling Borough is set out in Table 57 and Table 58. The data in Table 57 comes from the Active People Survey which ran from 2005 to 2016 and has now been superseded by the Active Lives Survey. The data in Table 58 comes from the Active Lives Survey and available at the following website <https://activelives.sportengland.org>.
- Table 59 shows the number of crimes in Gedling Borough has risen since 2015 and provided by Nottinghamshire Police.

**Table 56: Life expectancy**

	2010-12	2013-15	2014-16	2015-17	2016-18	2018-20
Male	80.3	79.4	80.0	80.1	80.9	80.1
Female	82.9	83.6	83.2	83.0	82.9	83.1

**Table 57: Adult (16+) participation in 3 x 30 minute sessions of moderate intensity activity per week**

	2011/12	2012/13	2013/14	2014/15	2015/16
Sport participation frequency	23.4%	26.8%	30.1%	24.1%	22.9%

**Table 58: Adult (16+) level of activity per week (not including gardening)**

	Inactive (<30 minutes per week)	Fairly Active (30-149 minutes per week)	Active (150+ minutes per week)	Adults taken part in sport or activity 2+ times in last 28 days
May 2016/17	28.9%	11.7%	59.4%	74.3%
May 2017/18	20.7%	13.6%	65.7%	81.3%
May 2018/19	25.1%	13.9%	61.0%	79.7%
May 2019/20	21.4%	13.2%	65.4%	81.9%
May 2020/21	24.5%	9.8%	65.7%	76.0%
Nov 2021/22	25.8%	11.1%	63.1%	76.7%

**Table 59: Number of crimes by type**

	All crime	Burglary - Residential	Burglary – Business and Community	Robbery	Violence against the person
2015/16	3,663	Not available	680	40	1,132
2018/19	6,539	389	789	67	2,138
2019/20	6,584	370	822	62	2,265
2020/21	5,794	233	700	46	2,156
2021/22	6,117	Not available	712	44	1,341
2022/23	6,469	173	79	53	2,455

## Transport

### Parking and transport schemes

5.32. Appendix 1 sets out that the Council will monitor the percentage of planning permissions in accordance with LPD 57; the number of park and ride facilities granted; progress on the delivery of the Gedling Access Road and other schemes promoted in Infrastructure Delivery Plans; the number of major applications approved against County Highways advice; and the number of travel plans agreed.

#### **Monitoring Indicators: ACS Policy 14, 15 / LPD Policy 57, 59, 60, 61**

- Policy LPD 57 of the Part 2 Local Plan and the Parking Provision for Residential and Non-Residential Developments SPD (2022) set out parking standards for developments in Gedling Borough. Conformity with Policy LPD 57 is a planning consideration for all proposals in Gedling Borough.
- Zero planning permissions for major development have been granted contrary to advice from the Highways Authority since 2011. Where objections from statutory bodies are received the Council takes due regard and technical matters would be satisfied by a planning condition upon granting permission.
- Zero park and ride facilities have been granted during the monitoring period.
- Progress made on the delivery of transport schemes promoted in Policy 15 of the Part 1 Local Plan and Policy LPD 60 of the Part 2 Local Plan is set out in Table 60.
- Two travel plans in the Borough was approved by Nottinghamshire County Council Highways during the monitoring period. One of them relates to the planning permission for residential development on the housing allocation site H10 Hayden Lane (2022/0501), while the other related to the planning permission for erection of a building for a builders' merchant and logistics and industrial units (Use Class B8) on former Total petrol storage site (2022/0798).

**Table 60: Progress on local transport schemes supported in Policy LPD 60**

<b>Transport Scheme</b>	<b>Type</b>	<b>Progress</b>
A60 Larch Farm Crossroads Improvements	Road	The improvement scheme was completed on 20 September 2019.
A60 Leapool to Sherwood Express Busway	Road	The County Council is currently safeguarding land for this scheme. The project was initially awarded funding from the Transforming Cities Fund (TCF) in March 2020 but the cost to construct the package was significantly greater than the allocated budget and will not be delivered as part of the TCF programme.
Gedling Access Road	Road	The Gedling Access Road project commenced construction in January 2020. The new road A6211

Transport Scheme	Type	Progress
		Colliery Way opened to traffic on 22 March 2022. The final phase of construction works at Arnold Lane was completed on 15 July 2022
A612 Daleside Road Improvement (bus priority linked to City Southern Growth Corridor)	Road	Nottingham City Council completed their works on their highway network. No works planned for this section as part of County Council's Transforming Cities programme.
A612 Colwick Loop Road (bus priority linked to City Southern Growth Corridor)	Road	The County Council is currently safeguarding land for this scheme. The project was awarded funding from the Transforming Cities Fund (TCF) in March 2020 but will no longer be delivered through the TCF programme.
South Notts Rail Network (Netherfield to Gedling route)	Rail	The County Council is currently safeguarding a scheme for possible construction during the third Local Transport Plan for Nottinghamshire 2011-2026 (LTP3). This scheme does not however feature in the current LTP3 implementation programme.
Minerals Railway "Robin Hood Line" (near Bestwood Village) to Calverton	Rail	The County Council has acquired the former railway line for a possible multi user trail i.e. cycling and walking. The scheme is not however included in a construction programme and is being considered for future implementation within the Local Transport Plan period up to 2026.
Fourth Trent Crossing	Road	No safeguarded scheme at this location.

### Transport usage

5.33. Appendix 1 sets out that the Council will monitor the proportion of households with hourly or better daytime bus services to local centres; the number of cycling trips, the number of public transport trips, traffic growth, travel to work and railway station usage.

### **Monitoring Indicators: ACS Policy 14 & SA 11 / LPD Policy & SA 12**

- The latest traffic growth in Gedling Borough by cars and cycling is shown in Table 61 and provided by Nottinghamshire County Council Highways. Data for the number of individual journeys is not available. The year 2020 saw a decrease in car traffic and a huge increase of 'leisure counters' during the first lockdown during the covid-19 pandemic, i.e. sites with higher number of cyclists at the weekend than on a weekday, which has influenced the data for 2020. 2022 data for car traffic is not available in time for this year's AMR.
- Table 62 provides estimated railway station usage in Gedling Borough which shows reduced station usage due to the covid-19 pandemic during 2020/21. The information is available at the following website <https://dataportal.orr.gov.uk/statistics/usage/estimates-of-station-usage>.



- The main mode of public transport in Gedling Borough is buses. Table 63 sets out the number of bus boardings registered for each service operator. (Data should be treated as indicative as recording depends on the operator).
- In 2021, the proportion of residents who travel to work by bus (6.4%), was lower than 2011 (9.2%). However, the 2021 level remains higher than the figure for the County (3.1%) and national average (4.3%) according to the 2021 Census.
- The percentage of households within 800 metres/10 minutes' walk of a bus stop with an hourly or better daytime bus service (weekdays 0600-1800) in Gedling Borough is 94%. The information is based on February 2023 provided from Nottinghamshire County Council Performance, Intelligence and Policy.

**Table 61: Percentage (compared to 2010 baseline) of cycling and car traffic growth in Gedling Borough since 2010**

	<b>Car traffic (%)</b>	<b>Cycling (%)</b>
2010	0.0%	0.0%
2011	-0.2%	7.6%
2012	-2.8%	-0.2%
2013	-0.8%	5.8%
2014	3.2%	11.2%
2015	2.5%	13.1%
2016	2.8%	11.9%
2017	4.1%	8.4%
2018	3.1%	12.3%
2019	3.7%	4.4%
2020	-15.4%	45.7%
2021	-6.4%	18.3%
2022	N/A	14.8%

**Table 62: Estimates of station usage (entries and exits) at railway stations since 2011**

	<b>Burton Joyce</b>	<b>Carlton</b>	<b>Netherfield</b>	<b>Newstead</b>
2011/12	6,786	22,372	7,410	34,750
2012/13	6,928	21,410	6,682	30,872
2013/14	5,302	20,298	5,382	28,624
2014/15	5,372	25,168	6,050	33,938
2015/16	8,228	36,344	6,544	31,932
2016/17	11,542	46,578	7,742	35,868
2017/18	16,268	54,282	8,644	41,796
2018/19	16,084	54,632	9,150	40,288
2019/20	15,330	57,552	8,292	44,200
2020/21	1,826	12,254	1,210	8,570
2021/22	6,146	27,610	5,556	23,010

**Table 63: Bus boardings in Gedling Borough by operator**

<b>Bus Operator</b>	<b>Bus boardings 2022/23</b>
Nottingham City Transport	4,738,805

<b>Bus Operator</b>	<b>Bus boardings 2022/23</b>
Trent Barton	345,639
Stagecoach East Midlands	100,432
Nottinghamshire County Council Fleet Service	4,936
Ravenshead Community Transport	2,874

## **Infrastructure and Developer Contributions**

### Infrastructure delivery

- 5.34. Appendix 1 sets out that the Council will monitor the implementation of individual schemes in the Infrastructure Delivery Plan and Part 2 Local Plans; that Authority Monitoring reports will be produced and the Infrastructure Delivery Plan periodically updated.

#### **Monitoring Indicators: ACS Policy 18**

- The Council updates the Authority Monitoring Report annually reporting on the monitoring indicators of the Part 1 and Part 2 Local Plans policies and the Sustainability Appraisal Monitoring Framework. The Infrastructure Delivery Plan is updated at each stage of local plan preparation and was last comprehensively updated to support the Part 2 Local Plan.
- Given the range and number of projects referred to in the Infrastructure Delivery Plans it would be impractical to report on them in detail as part of the Authority Monitoring Report. However the Council does periodically review the status of individual schemes and information held on individual schemes can be provided on request.

### Community Infrastructure Levy (CIL) and Section 106 contributions

- 5.35. Appendix 1 sets out that the Council will monitor the adoption of a CIL charging schedule and Section 106/ CIL funding.

#### **Monitoring Indicators: ACS Policy 19**

- Gedling Borough Council adopted the CIL charging schedule on 16 October 2015, which is based on a £/sq. m calculation based on the use and location of proposed development.
- The annual Infrastructure Funding Statement published in December each year identifies the Council's priorities for future CIL funding. These include the Gedling Country Park Visitor Centre, secondary school contributions related to the Gedling Colliery/Chase Farm and the Top Wighay Farm strategic sites and Gedling Colliery Country Park Visitor Centre. The Infrastructure Funding Statement is available on the Council's website [www.gedling.gov.uk/cil](http://www.gedling.gov.uk/cil). Table 64 sets out the key figures relating to CIL receipts.
- The Council annually reports its Section 106 contributions via the Infrastructure Funding Statement and full details are available on the Council's website [www.gedling.gov.uk/cil](http://www.gedling.gov.uk/cil). Table 65 sets out the key figures relating to Section 106 contributions.

**Table 64: Summary of Community Infrastructure Levy contributions**

<b>Cumulative CIL position from 16 October 2015 to 31 March 2023</b>	<b>Amount (£)</b>
Total CIL receipts	£6,979,649
Total receipts retained as at 31 March 2023	£1,169,176

**Table 65: Summary of Section 106 contributions**

<b>Section 106 position as of 31 March 2023</b>	<b>Capital amount (£)</b>	<b>Revenue amount (£)</b>
Contributions received in 2022/23	£650,954	£148,757
Contributions spent on projects in 2022/23	£280,058	£29,729
Total contributions remaining	£3,547,099	£170,695

# Appendix 1 – Monitoring Indicators

This appendix list out the indicators and targets for each planning topic.

- ACS = Aligned Core Strategy
- ACSSA = Aligned Core Strategy Sustainability Framework
- LPD = Local Planning Document
- LPDSA = Local Planning Document Sustainability Framework

The final column of the table refers to the source of the monitoring indicators for example LPD1 refers to Policy LPD1 of the Local Planning Document.

## Climate Change, Flood Risk and Water Management

Indicator	Target	Source
Renewable energy – by type (wind turbines and other renewable energy schemes) and amount of installed capacity	No target	ACSSA9; ACSSA10 LPD1; LPD2 LPDSA10; LPDSA11
Energy per meter – by type	No target	ACSSA9; ACSSA10 LPDSA10; LPDSA11
Energy consumed – by type	No target	ACSSA9; ACSSA10 LPDSA10; LPDSA11
Carbon dioxide emissions per capita total	No target	ACSSA9; ACSSA10 LPDSA10; LPDSA11
Department of Energy & Climate Change’s ‘Carbon dioxide emissions within the scope of influence of local authorities’	To reduce per capita CO2 emissions and increase renewable power generation	ACS1
Area of land and number of households in Flood Zones 2 or 3 and without flood protection measures	No target	ACSSA8 LPDSA8; LPDSA9
Number of planning applications in flood risk areas approved against Environment Agency advice /	Zero	ACS1 ACSSA8

Indicator	Target	Source
Number of permissions in flood risk areas implemented against Environment Agency advice		LPD3 LPDSA8; LPDSA9
Number of planning applications approved against the Environment Agency advice on water quality	Zero	ACSSA8 LPD5 LPDSA8; LPDSA9
Number of planning applications approved against the Environment Agency advice on aquifer	Zero	ACSSA8 LPD6
Number of planning applications approved against the advice of the Lead Local Flood Authority	Zero	LPD4 LPDSA8; LPDSA9
Number of developments incorporating SUDS	LPD = No target. ACS = Increase the number of Sustainable Drainage Systems (SuDS)	ACS1 LPD4 LPDSA8; LPDSA9
New waste management facilities – by type	No target	ACSSA9; ACSSA10 LPDSA10; LPDSA11

### Environmental Protection

Indicator	Target	ACS/ LPD Policy or SA Framework
Number of planning applications approved against the advice of Gedling Borough Council's Public Protection (Scientific) Officer	Zero	LPD7; LPD10
Number of planning applications approved against the advice of the Coal Authority	Zero	LPD8
Number of planning applications approved against the advice of the Health and Safety Executive	Zero	LPD9
Development to accord with the requirements of the Air Quality and Emissions Mitigation guidance	Zero	LPD11
Air Quality Management	No Target	LPDSA8; LPDSA9

## Green Belt

Indicator	Target	ACS/ LPD Policy or SA Framework
Percentage of planning permissions granted against policy (increase in floor space over 50%)	Zero	LPD13; LPD14
Status of each area of Safeguarded Land and the reason why, if any, planning permission has been granted	No target	LPD16
Number of homes granted planning permission for rural workers	No target	LPD17
Production of part 2 Local Plan	Green Belt release in line with the needs set out in the Aligned Core Strategies	ACS3
Location and area of land removed from Green Belt	Green Belt release in line with the needs set out in the Aligned Core Strategies	ACS3

## Natural Environment

Indicator	Target	ACS/ LPD Policy or SA Framework
Net change in Site Special Scientific Interest	No net loss	LPD18 LPDSA6; LPDSA7
Number of SSSIs in a favourable condition	Improve management of biodiversity sites	ACS17
Number, area and net change of Local Nature Reserves	No net loss	ACSSA6; ACSSA7 LPD18 LPDSA6; LPDSA7
Number of Local Nature Reserves with a management plan in place	Increase in quality of open spaces & improve management of biodiversity sites	ACS16; ACS17

<b>Indicator</b>	<b>Target</b>	<b>ACS/ LPD Policy or SA Framework</b>
Number, area and net change in Local Wildlife Sites (formerly SINCs)	LPD = No net loss. ACS = Retain areas of biodiversity importance.	ACS17 ACSSA6; ACSSA7 LPD18 LPDSA6; LPDSA7
The number and percentage of Local Wildlife Sites with positive conservation management (using Single Data List Indicator 160)	LPD = Increase in percentage. ACS = Increase in quality of open spaces & improve management of biodiversity sites	ACS16; ACS17 LPD18 LPDSA6; LPDSA7
Net change in Local Geological Sites	No net loss	LPD18 LPDSA6; LPDSA7
Woodland area	No target	ACSSA6; ACSSA7
Number of planning permissions granted that result in loss of Ancient Woodland	Zero	LPD18
Net change in woodland and ancient woodland	No target	LPDSA6; LPDSA7
Losses and gains in priority habitat	No net loss	LPD18
Progress on designation and if designated what condition it is in (Special Protection Area)	Designation of and thereafter maintain or improve condition of Special Protection Area.	ACS17

### Open Space and Recreational Facilities

<b>Indicator</b>	<b>Target</b>	<b>ACS/ LPD Policy or SA Framework</b>
To be set locally (GI assets)	Increase the percentage of population with access to GI assets.	ACS16
Net change in certain types of open space/ area of new open space	No net loss	ACSSA6; ACSSA7 LPD20 LPDSA2; LPDSA6; LPDSA7



<b>Indicator</b>	<b>Target</b>	<b>ACS/ LPD Policy or SA Framework</b>
Amount of greenfield land lost to housing and other uses / Greenfield loss of new development (ha) in line with the ACS	No target	ACSSA6; ACSSA7 LPDSA6; LPDSA7
Open space managed to green flag award standard	Increase in quality of open spaces	ACS16 ACSSA3
New open space committed from s106 agreements	Increase in open space	LPD21
Number of s106 contributions related to open space	Increase quality of open spaces	ACS16
Net change in local green space	No net loss	LPD22 LPDSA2; LPDSA6; LPDSA7
Number of planning permissions for new tourist accommodation	No target	LPD24
Net change in country parks	No target	LPDSA2; LPDSA6; LPDSA7

### Historic Environment

<b>Indicator</b>	<b>Target</b>	<b>ACS/ LPD Policy or SA Framework</b>
Number of conservation area appraisals	LPD = Increase the number of conservation area appraisals. ACS = Increase quality of open spaces.	ACS11
Number of and area of heritage assets conservation areas and Parks and Gardens	No target	ACSSA6; ACSSA7 LPDSA3
Number of heritage assets – Listed Buildings, Scheduled Ancient Monuments	No target	ACSSA6; ACSSA7 LPDSA3
Number of planning applications approved against Historic England advice (generally, historic parks and gardens and scheduled monuments)	Zero	LPD26; LPD29; LPD30 LPDSA3
Number and percentage of heritage assets (listed buildings, conservation areas, historic parks and	LPD = Zero. ACS = Decrease number of heritage assets at risk	ACS11 ACSSA6; ACSSA7

Indicator	Target	ACS/ LPD Policy or SA Framework
gardens and scheduled monuments) on Heritage at Risk Register		LPD26; LPD27; LPD28; LPD29; LPD30 LPDSA3
No of s106 obligations to manage and conserve heritage assets	Increase	LPD26
Number of Locally Important Heritage Assets	No loss	LPD31 LPDSA3
Number and percentage of Locally Important Heritage Assets at risk	Zero	LPD31 LPDSA3

### Design

Indicator	Target	ACS/ LPD Policy or SA Framework
Indicators to be set locally by each Council	Improve the standards of design	ACS10
Density of new development	Burton Joyce, Lambley, Ravenshead and Woodborough = no less than 20 dwellings per hectare. Bestwood Village, Calverton and Newstead = no less than 25 dwellings per hectare	LPD33
Number of homes built on residential garden land	No target	LPD34

### Homes

Indicator	Target	ACS/ LPD Policy or SA Framework
Progress on the delivery of the sites allocated (housing)	All sites delivered by 2028.  Plus LPD64 only = (The Council will closely monitor	LPD64; LPD65; LPD66; LPD67; LPD68; LPD69; LPD70

Indicator	Target	ACS/ LPD Policy or SA Framework
	progress on all allocated sites to identify any significant slippage or risk of no delivery and should this occur the Council will consider whether this warrants an early review of the Local Plan)	
Net additional homes	7,250 in Gedling	ACS2
Council supply of ready to develop housing sites	5 year (with additional buffer of 5% or 20% as appropriate) supply of deliverable housing sites	ACS2
Planning permissions of strategic allocations	5 year (with additional buffer of 5% or 20% as appropriate) supply of deliverable housing sites	ACS2
Preparation of part 2 Local Plans to meet objective of the Aligned Core Strategies	5 year (with additional buffer of 5% or 20% as appropriate) supply of deliverable housing sites	ACS2
Progress towards an allocation in part 2 Local Plans of Supplementary Planning Document	Delivery of Gedling Colliery/ Chase Farm	ACS7
Completion of site (Gedling Colliery) or certain elements of it (e.g. sq. m of offices developed)	Delivery of Gedling Colliery/ Chase Farm	ACS7
Number of affordable housing delivered and commuted sums	1,450 affordable provision	LPD36
Affordable housing completions by Social Rent, Intermediate Housing, Affordable Rent	Provision of affordable housing – 1,450 in Gedling	ACS8
Type, size and tenure of new housing development/ completions	LPD = No target. ACS = Maintain an appropriate mix of house type, size and tenure	ACS8 LPD37

<b>Indicator</b>	<b>Target</b>	<b>ACS/ LPD Policy or SA Framework</b>
Housing completions – affordable homes, dwelling types, density, location	No target	LPDSA1
Number of housing completions	No target	LPDSA1
Number of housing completions – affordable	No target	LPDSA1
Number of housing completions by dwelling type, size and density	No target	LPDSA1
Number and area of housing completions on previously developed land	No target	LPDSA1
Number of vacant dwellings – by type	No target	LPDSA1
% of households with access to services and facilities by public transport, walking and cycling within 30 minutes travel time with no more than a 400m walk to a stop	Improve accessibility from residential development to key community facilities and services	ACS12 ACSSA9;
Number of new homes with access to key community facilities and services – by walking, cycling and public transport	No target	LPDSA12
Number of pitches delivered (gypsy and travellers)	Three additional pitches provided by March 2019	LPD38
Number of plots/pitches allocated and granted planning permission for gypsy and traveller communities. Total number implemented.	Meet the needs of Gypsies, Travellers and Travelling Showpeople	ACS9 ACSSA1 LPDSA1
Number of planning permissions for specialist accommodation	No target	LPD39
New housing development on windfall sites	No target	LPD40
Number of planning permissions for live work units	No target	LPD41
Delivery of self-build and custom homes	No target	LPD42
Population – by group	No target	ACSSA1 LPDSA1
Average house prices	No target	ACSSA1 LPDSA1
Number of empty homes	No target	LPDSA1

Indicator	Target	ACS/ LPD Policy or SA Framework
Number of homelessness acceptances	No target	ACSSA1 LPDSA1

## Employment

Indicator	Target	ACS/ LPD Policy or SA Framework
Progress on the delivery of the sites allocated (employment)	All sites delivered by 2028.	LPD71
Planning permissions (strategic sites)	Delivery of strategic sites in the Aligned Core Strategy	ACS4
Supply of employment land – by type	No target	LPDSA13; LPDSA14; LPDSA15
Overall number of jobs in the plan area	Strengthen and diversify the economy and create 27,900 new jobs (Greater Nottingham)	ACS4
Net addition in new office floor space	Develop 23,000 sq m of office space in Gedling Borough	ACS4 LPDSA13; LPDSA14; LPDSA15
Available supply and net change in supply of industrial and warehouse	Maintain a minimum amount of industrial and warehouse supply of 33.5 hectares (Greater Nottingham)	ACS4
Net addition in new industrial and warehouse development	Develop 10 hectares in Gedling Borough	ACS4 LPDSA13; LPDSA14; LPDSA15
% of the working age population with NVQ level 2 or above / skills level of the working age population/ qualifications by type	Improve skill levels of the working age population	ACS4 ACSSA12; ACSSA13; ACSSA14 LPDSA13; LPDSA14; LPDSA15
Area of employment land lost to residential and other uses above (0.1 ha threshold)	No target	ACSSA12; ACSSA13; ACSSA14 LPD44 LPDSA13; LPDSA14; LPDSA15
New industrial and warehouse floor space taken up on non-allocated sites over 1,000 sq m or 1 hectare threshold	No target	LPD45

<b>Indicator</b>	<b>Target</b>	<b>ACS/ LPD Policy or SA Framework</b>
Number of planning permissions granted for rural employment/business development	No target	LPD47
Percentage of developments over 10 or more dwellings, 0.5 ha of employment land or those creating more than 15 jobs securing Local Labour Agreement	No target	LPD48
Employment supply	No target	LPDSA13; LPDSA14; LPDSA15
Employment and unemployment rate	No target	ACSSA12; ACSSA13; ACSSA14 LPDSA13; LPDSA14; LPDSA15
Earnings – by type	No target	ACSSA12; ACSSA13; ACSSA14
Employment profile – by type	No target	ACSSA12; ACSSA13; ACSSA14
Area of new floor space and land by type and location	No target	ACSSA12; ACSSA13; ACSSA14
Type and area of employment land availability (ha)	No target	ACSSA12; ACSSA13; ACSSA14

### **Retail and Community Facilities**

<b>Indicator</b>	<b>Target</b>	<b>ACS/ LPD Policy or SA Framework</b>
Planning permissions for retail and other town centre use development	Maintain or improve the vitality and viability of the centres within the plan area	ACS6 LPDSA13; LPDSA14; LPDSA15
New retail development	No target	LPDSA13; LPDSA14; LPDSA15
Assessment retail need (from Needs Study)	Maintain or improve the vitality and viability of the centres within the plan area	ACS6
Centre health checks	Maintain or improve the vitality and viability of the centres within the plan area	ACS6
Amount of new B1 office floor space created in town centres	Maintain or improve the vitality and viability of the centres within the plan area	ACS6

<b>Indicator</b>	<b>Target</b>	<b>ACS/ LPD Policy or SA Framework</b>
Amount of retail floor space approved outside of defined centres	Maintain or improve the vitality and viability of the centres within the plan area	ACS6
Percentage of frontages for individual uses/ diversity of uses in centres	No target	LPD50 LPDSA13; LPDSA14; LPDSA15
Proportion of vacant units	No target	LPDSA13; LPDSA14; LPDSA15
Number of planning permissions granted (upper floors)	None	LPD51
Number of planning applications for A1 uses 500 sq metres or more with an Impact Assessment	100%	LPD52
Life expectancy at birth	Improvements in health	ACS12 ACSSA2
Number of major sporting facilities developed	Increase in provision of major sporting facilities	ACS13
Residents participation in sport	No target	ACSSA2
Crime – by type	No target	ACSSA4 LPDSA4
Number of community centres, GP practices, health facilities, leisure centres, museums and libraries	No target	ACSSA2; ACSSA5; ACSSA3 LPDSA2; LPDSA5

## Transport

<b>Indicator</b>	<b>Target</b>	<b>ACS/ LPD Policy or SA Framework</b>
Percentage of planning permissions in accordance with the policy	No target	LPD57
Number of park and ride facilities granted	No target	LPD59
Progress on the delivery of transport schemes promoted in the policy (LPD60)	All schemes delivered by 2028. In particular, the Council will closely monitor progress on the Gedling Access Road to identify any significant slippage	LPD60

Indicator	Target	ACS/ LPD Policy or SA Framework
	or risk of no delivery and a decision made as to whether this warrants an early review of the Local Plan by December 2018.	
Number of major planning applications approved against Highway advice on road safety matters	Zero	LPD61
Proportion of households with hourly or better daytime bus service to town, district or city centre	Increase modal shift towards public transport, walking and cycling	ACS14 ACSSA11
Number of public transport trips	Increase modal shift towards public transport, walking and cycling	ACS14 ACSSA11
Plan area wide traffic growth	Increase modal shift towards public transport, walking and cycling	ACS14 ACSSA11 LPDSA12
Number of cycling trips	Increase modal shift towards public transport, walking and cycling	ACS14 ACSSA11 LPDSA12
Number of travel plans agreed	Increase in the number of developments supported by travel plans	ACS14
Railway station usage	No target	ACSSA11
Travel to work	No target	LPDSA12
Implementation of individual schemes as in the Infrastructure Delivery Plan (ACS 15)	Delivery of projects promoted in the policy (Gedling Access Road in Gedling)	ACS15



## Infrastructure and Developer Contributions

Indicator	Target	ACS/ LPD Policy or SA Framework
Implementation of individual schemes as in Infrastructure Delivery Plan and in Part 2 Local Plans	Delivery of infrastructure identified in the Infrastructure Delivery Plan and Part 2 Local Plans	ACS18
Authority Monitoring Reports and the periodic updates to the Infrastructure Delivery Plan	Delivery of infrastructure identified in the Infrastructure Delivery Plan and Part 2 Local Plans	ACS18
Adopt Community Infrastructure Levy charging schedule	Introduction of Community Infrastructure Levy	ACS19
Authority report on s106 contributions and Community Infrastructure Levy funding	Ensure appropriate developer contributions to infrastructure.	ACS19

There are no indicators for the following policies: ACSA; ACS5; LPD12; LPD15; LPD19; LPD23; LPD25; LPD32; LPD35; LPD43; LPD46; LPD49; LPD53; LPD54; LPD55; LPD56; LPD58; LPD62 and LPD63.

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## Report to Cabinet

**Subject:** Infrastructure Funding Statement 2022/23  
**Date:** 14<sup>th</sup> December 2023  
**Author:** Community Infrastructure Levy and Section 106 Monitoring Officer

### Wards Affected

Borough-wide

### Purpose

To provide Members with information on the monies collected through the Community Infrastructure Levy (CIL) and Section 106 Planning Obligations, how they are administrated and future expenditure priorities in relation to the monies collected.

To seek approval for the publication of the Infrastructure Funding Statement for 2022/23 attached in Appendix A.

### Key Decision

This is a Key Decision as it is likely to be significant in terms of its effect on the communities living or working in an area comprising of two or more wards in the Borough.

### Recommendation(s)

**THAT:**

- 1) **Cabinet notes the report.**
- 2) **Cabinet agrees to the publication of the Infrastructure Funding Statement for 2022/23 as detailed in Appendix A.**

## **1 Background**

- 1.1 Members will be aware that the Council can secure financial contributions and non-monetary contributions from developments through Section 106 Planning Obligations and the Community Infrastructure Levy (CIL). These contributions are to be expended on infrastructure within the Borough to mitigate against the impacts of local development.
- 1.2 On the 1<sup>st</sup> September 2019, the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 were published which introduced a new requirement into the Community Infrastructure Levy Regulations 2010 (“the Regulations”) for all Charging Authorities to publish an annual document, known as the “Infrastructure Funding Statement”, before the 31<sup>st</sup> December each calendar year. This document must include an “Infrastructure List” listing the infrastructure or types of infrastructure the authority intends will be or may be wholly or partly funded by CIL, a “CIL Report” in relation to the previous financial year, and a “Section 106 Report” about planning obligations in relation to the previous financial year. The document must be published on the Council’s website.
- 1.3 The attached Infrastructure Funding Statement 2021/22 at Appendix A includes details of the amount of CIL receipts received, expended and retained for the financial year 2022/23 (“the reported year”), a breakdown of cumulative CIL receipts since its adoption in 2015 and details of demand notices issued during the reported year. It also provides detail of CIL passed to parish councils.

- 1.4 The Infrastructure Funding Statement 2022/23 in Appendix A also provides an update on financial contributions collected through Section 106 Planning Obligations, including details of new planning obligations which were agreed upon during the reported year, the amount of money which was received during the reported year, the monies which has either been allocated or expended within the reported year and the amount of monies retained at the end of the reported year. The report also gives a breakdown of any non-monetary obligations.
- 1.5 In accordance with the Regulations an Infrastructure List is included at the end of the report to detail future infrastructure projects and how they will likely be funded through Planning Obligations. This Infrastructure List supersedes the Regulation 123 List which was adopted as part of the Charging Schedule by Gedling Borough Council on the 16<sup>th</sup> October 2015.

## **2 Proposals**

- 2.1 The Infrastructure Funding Statement 2022/23 in Appendix A has been prepared taking into account the requirements of the Regulations. It is proposed that members note the Infrastructure Funding Statement 2022/23 in Appendix A and approve publication of the Statement on the Council's website in accordance with the Regulations.

## **3 Alternative Options**

- 3.1 The Council is required to prepare and publish an Infrastructure Funding Statement under Regulation 121A of the Regulations before the end of the calendar year. The content of the Statement in Appendix A is accurate and is as prescribed within the Regulations. If Members did not approve the publication of the Statement, this would be contrary to the Regulations.

## **4 Financial Implications**

- 4.1 Failure to correctly identify and deliver on the S106 schemes would mean that contributions including any indexation may have to be paid back to the developer.
- 4.2 This report does not alter the amount of money that can be collected from developments through the use of the Community Infrastructure Levy (CIL) or Section 106 Planning Obligations.

## **5 Legal Implications**

- 5.1 To comply with the requirements of The Community Infrastructure Levy Regulations 2010 an Infrastructure Funding Statement for the annual year 2022/23 must be published before 31<sup>st</sup> December 2023. The Statement must include the information set out in Regulation 121A and the relevant schedules detailed therein.

## **6 Equalities Implications**

- 6.1 There are no equalities implications arising from this report.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

## **8 Appendices**

- 8.1 Appendix A: Infrastructure Funding Statement 2022/23 Annual Report

## **9 Background Papers**

- 9.1 Gedling Borough Council CIL Charging Schedule - [http://www.gedling.gov.uk/media/Charging%20Schedule%20\(Adoption%20July%202015\).pdf](http://www.gedling.gov.uk/media/Charging%20Schedule%20(Adoption%20July%202015).pdf)

## **10 Reasons for Recommendations**

10.1 To provide information and make Cabinet aware of monies generated through the Community Infrastructure Levy and collected through Section 106 Planning Obligations.

10. To ensure an up to date Infrastructure Funding Statement is published in accordance with The Community Infrastructure Levy Regulations 2010.

### **Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**

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**Gedling Borough Council  
Community Infrastructure Levy (CIL)**

**Infrastructure Funding Statement 2022/23**

**Published December 2023**

## **1 INTRODUCTION**

Welcome to the Gedling Borough Council Infrastructure Funding Statement. This statement sets out the income and expenditure relating to the Community Infrastructure Levy (CIL) and Section 106 (s106) Agreements during the financial year 22/23.

Local Authorities are required to produce an annual Infrastructure Funding Statement as part of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.

Income collected from the CIL and / or s106 (collectively known as 'planning obligations' or 'developer contributions') is used to help fund the provision of infrastructure which is necessary to support and enable development and growth within the Borough.

Sections 2 and 3 of this statement will provide details of the progress in relation to the collection and expenditure of income generated through the CIL and s106 respectively for the last financial year.

Section 4 sets out the planned future expenditure of income generated through these mechanisms over the next reporting period.

### **1.1 Community Infrastructure Levy & Section 106 Agreements**

The Community Infrastructure Levy is a tariff-based charge on the development of new floorspace within the borough. Monies collected through the CIL can be used to fund a wide range of infrastructure (e.g. roads, medical practices and the provision of open space) that is required to meet the future growth needs of the borough.

The Gedling Borough Community Infrastructure Levy (CIL) Charging Schedule was approved by Full Council on 15<sup>th</sup> July 2015 and came into effect on 16<sup>th</sup> October 2015. Planning applications decided on or after 16<sup>th</sup> October 2015 may therefore be subject to CIL.

Section 106 agreements are private agreements, made between local authorities and developers, which can be attached to a planning permission to ensure that a certain development that may otherwise be unacceptable in planning terms, meets the local planning authorities policy requirements. Typical forms of Section 106 Obligations include:

- Site-specific financial contribution;
- Non-financial obligations; and
- Provision of on-site affordable housing.

## 1.2 Summary of Headlines within Statement

<b>Table 1. Key Headlines from the Statement.</b>
<b>Summary of CIL Receipts</b>
<p>A total of £1,657,474 in CIL receipts were collected during the financial year 2022/23.</p> <p>A total of £5,614,450 receipts were retained at the end of the financial year 2022/23. Of this, £5,338,039 is to be used towards the provision of Strategic Infrastructure within the Borough, whilst £276,411 remains for Infrastructure projects identified through the Neighbourhood portion of the CIL.</p> <p>A total of £232,190 was passed to Local Parishes during 2022/23 in accordance with Regulations 59A.</p> <p>A total of £82,874 was allocated to cover the administrative costs of implementing and monitoring the CIL during 2022/23.</p>
<b>Summary of Section 106 Contributions</b>
<p>During the 2022/23 financial year £642,731 was collected in capital contributions through Section 106 Obligations. £156,980 was collection in revenue contributions during the same period.</p> <p>A total of £280,058 capital and £29,729 revenue contributions have been spent on infrastructure within Gedling Borough Council during the 2022/23 financial year.</p>

### **Table 1. Key Headlines from the Statement.**

At the end of the financial year 2022/23, £3,538,877 worth of capital contributions were retained by Gedling Borough Council.

Non-financial contributions such as the provision of Affordable Housing and Employment and Skills Plans / Local Labour Agreements continue to be secured by way of Section 106 Obligations within the Borough.

## **2 COMMUNITY INFRASTRUCTURE LEVY**

The amount of CIL payable depends on where the development is located within the borough, the type of use the development comprises of, and the net additional increase in floorspace (£ per Sqm).

Gedling Borough Council's Charging Schedule currently identifies two different types of Uses which are liable for the CIL. Retail development chargeable by a flat rate across the borough whilst new residential development is split into three different zones. The Charging Schedule and Map of the different zones are available to view from our website at <https://www.gedling.gov.uk/cil/>.

Alongside the Charging Schedule Gedling Borough Council also adopted a Regulation 123 List in accordance with the regulations in force at the time. Expenditure of the Strategic CIL receipt was approved for the following infrastructure projects:

- The Gedling Access Road (GAR);
- Secondary School Contributions for Gedling Colliery / Chase Farm and Top Wighay Farm strategic sites; and
- The Gedling Country Park Visitors Centre.

The Regulation 123 List has since been abolished as part of the CIL Amendment Regulations 2019 and replaced with the new 'Infrastructure List'. No new projects have been added to the Infrastructure List.

Unlike Section 106 Agreements, the CIL payable is a fixed rate which is mandatory and non-negotiable. The charge becomes payable upon the commencement of development.

## 2.1 CIL Income

Table 2 below provides a cumulative total of all CIL receipts retained by Gedling Borough Council since its first adopted of the CIL in 2015. A breakdown of these receipts is provided in greater detail further into the report.

<b>Table 2. Cumulative Total CIL Receipts Retained (to the nearest £)</b>	
<b>Year</b>	<b>Income</b>
2015/16	£0
2016/17	£36,171
2017/18	£420,148
2018/19	£1,038,139
2019/20	£1,276,677
2020/21	£1,671,993
2021/22	£4,272,039
2022/23	£5,614,450

Gedling Borough Council adopted the CIL on 16<sup>th</sup> October 2015. In accordance with the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, any planning application which was determined prior to this date is not chargeable. It is for this reason, along with a gap between the granting of permission and implemented, that no receipts were collected during the 2015/16 financial year.

## 2.2 Breakdown of CIL for 2022/23

During the reported year 2022/23, 15 Demand Notices were issued totalling £2,324,654 in CIL Receipts. To date a total of £1,859,099 of these receipts have been collected. The remaining sums will be collected in accordance with the relevant payment plans as approved in the Councils Charging Schedule. The collection of the remaining sums from these Demand Notices will be reported in future Infrastructure Funding Statements in accordance with relevant payment policies.

During the reported year 2022/23 there has been a total of £1,657,474 collected in CIL receipts from across 17 different developments. A summary of the allocation of receipts collected during the year is detailed in Table 3 below.

<b>Table 3. Annual Breakdown of CIL Receipts 1st April 2022 - 31st March 2023 (to the nearest £)</b>	
Total Receipts Collected	£1,657,474
Neighbourhood Portion of CIL Receipts	£334,301
Strategic Element of CIL Receipts	£1,240,299
Administration Element of CIL Receipts	£82,874
Receipts Spent on Strategic Infrastructure	£0
Receipts Passed to Local Parishes	£232,190
Receipts Awarded to Non-Parish Neighbourhood Projects	£0
<b>CIL Receipts Retained at End of Year</b>	<b>£1,342,410</b>

Of the receipts which were collected during 2022/23, £1,240,299 is to be spent on strategic infrastructure projects that were identified on the Infrastructure List (previously Regulation 123 List), while £334,301 is to be spent in the locality it was collected as part of the neighbourhood portion of the CIL.

In accordance with Regulation 59A of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, a total of £232,190 from the Neighbourhood Portion of CIL Receipts has been passed directly to the Local Parishes from where they were collected.

£82,874 (5%) of all receipts collected during the financial year, have been set aside to cover the administration costs as permitted by the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.

During the financial year 2022/23, it was considered that none of the nominated projects for the annual Non-Parish Neighbourhood Funding Awards were suitable for funding at such time. Subsequently £0 was allocated to Non-Parish Neighbourhood Projects. Details of the nominated projects and the officer recommendations can be found on the Non-Parish Neighbourhood Page of the Gedling Borough Council website and by viewing the minutes of the Cabinet Meeting on the 7<sup>th</sup> September 2023.

The nominated projects have been retained on the Local Infrastructure Schedule and any Non-Parish Neighbourhood receipts not allocated to projects will be carried over for consideration in 2023/24 in accordance with Regulation 59F of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.

A total of £1,342,410 in CIL receipts were retained at the end of the financial year 2021/22 which, when added to the previous years retained receipts, results in a total of £5,614,450 held by Gedling Borough Council.

### 2.2.1 Strategic CIL

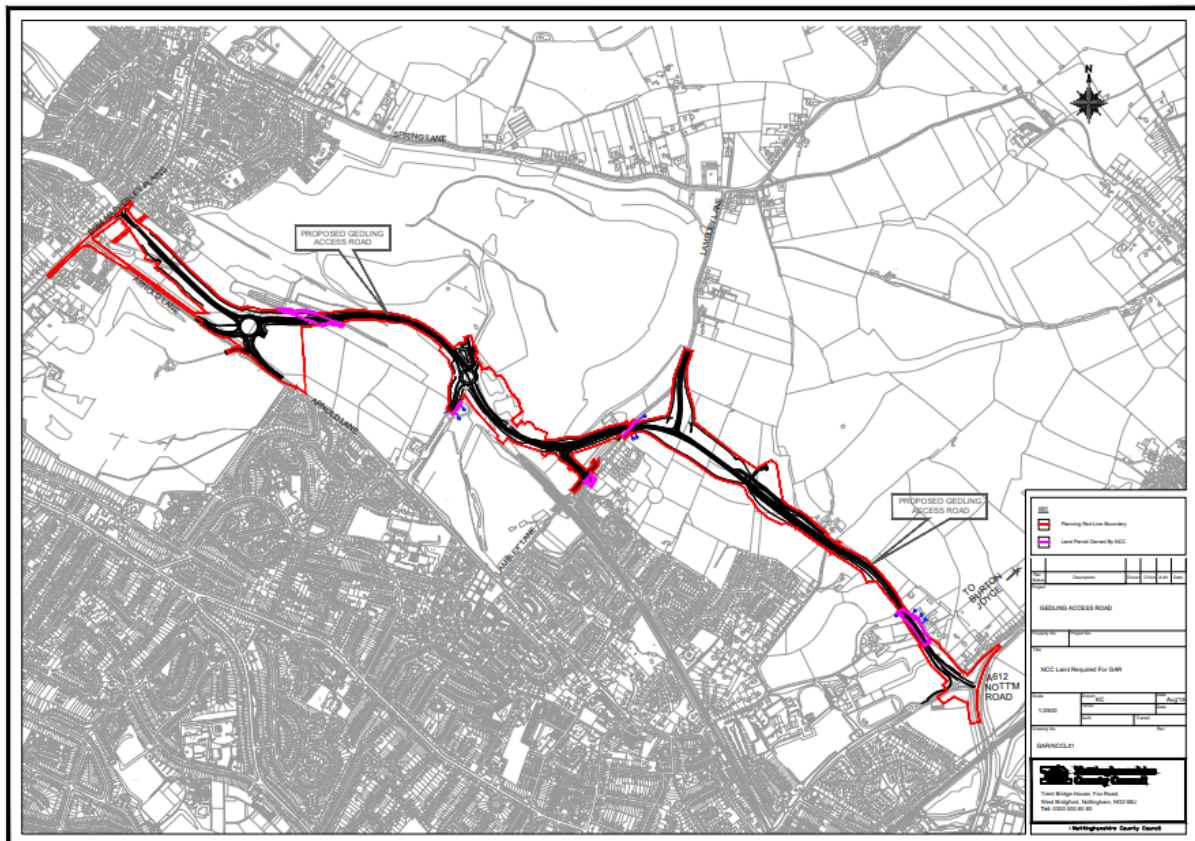
Since its adoption of CIL, to the end of the financial year 2022/23, Gedling Borough Council has collected £5,338,039 towards the provision of its strategic projects.

<b>Table 4. Annual Strategic CIL Collected (to the nearest £)</b>	
<b>Year</b>	<b>Income</b>
2015/16	£0
2016/17	£33,695
2017/18	£333,580
2018/19	£530,147
2019/20	£332,116
2020/21	£437,359
2021/22	£2,430,843
2022/23	£1,240,299
<b>Total</b>	<b>£5,338,039</b>

Following its introduction in 2015, the strategic portion of the CIL collected has been retained for the construction of Gedling Access Road (GAR) which remains the Council's first priority in terms of key infrastructure within the Borough. The GAR, subsequently named Colliery Way, is a new 3.8km single carriageway road which provides a link between the B684 Mapperley Plains and the A612 Trent Valley Road / Nottingham Road. This new piece of infrastructure is vital to supporting the residential growth in this area. Construction of the GAR began in January 2020 and was completed in Spring 2022.

When adopting the CIL Gedling Borough Council agreed to make a contribution of up to £4.48 million from the Strategic CIL receipts to part fund the GAR. In Autumn 2023 the Borough Council transferred approx. £4.44m to Nottinghamshire County Council to fund the construction of the GAR. This payment will be fully reported in next year's Infrastructure Funding Statement.

**Figure 1. Map of Gedling Access Road / Colliery Way**



### 2.2.2 Neighbourhood CIL

Under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 a 'meaningful proportion of CIL receipts are to be passed to local town or parish councils for the area where development takes place. This is known as the 'neighbourhood portion'. The neighbourhood portion to be passed to the local council is set at 15% of the relevant CIL receipts (up to a cap of £100 per existing council tax dwelling) or 25% with no maximum cap specified where there is a Neighbourhood Development Plan in place. At this time there are four Neighbourhood Plans 'made' within Gedling Borough:



- Burton Joyce Neighbourhood Plan,
- Calverton Neighbourhood Plan,
- Linby Neighbourhood Plan, and
- Papplewick Neighbourhood Plan.

Table 5 below shows the portion of the Neighbourhood CIL Receipts which have been collected on behalf of local Parish Councils.

<b>Table 5. Neighbourhood CIL Awarded to Local Parishes (to the nearest £)</b>	
<b>Year</b>	<b>Income</b>
2015/16	£0
2016/17	£3,842
2017/18	£12,374
2018/19	£8,059
2019/20	£23,808
2020/21	£45,304
2021/22	£373,379
2022/23	£232,190
<b>Total</b>	<b>£698,956</b>

Where there is no Parish Council, Regulation 59A of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 places a duty on charging authorities to allocate at least 15% (up to a cap of £100 per existing council tax dwelling) or 25% (uncapped) where there is a 'made' Neighbourhood Plan, of CIL receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. Gedling Borough Council undertake annual consultations with local residents and groups to identify and assess projects which may be suitable for Non-Parish neighbourhood funding. Where no suitable projects are identified the Neighbourhood portion is carried over to the next financial year. Further information regarding the Neighbourhood portion of the CIL can be found on the Gedling Borough Council website at <https://www.gedling.gov.uk/cil/>.

Gedling Borough has 11 Parishes where the Neighbourhood portion of CIL Receipts will be passed to the Parish Councils if developments take place in those areas. The Parishes cover the following areas:

- Bestwood Village;
- Burton Joyce;
- Calverton;
- Colwick;
- Lambley;
- Linby;
- Newstead;
- Papplewick;
- Ravenshead;
- St Albans, and
- Woodborough.

In accordance with the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, Parish Councils must publish their own annual reports which detail funding and expenditure for each year where they have received monies passed down through the Neighbourhood Portion through CIL.

It should be noted that the extent of the Parishes does not cover the majority of the urban area of Gedling Borough (with the exception of Colwick). This creates a gap in the coverage for the Neighbourhood portion in the Borough. When development takes place in this area Gedling Borough Council will determine, in consultation with its residents, how to expend this element of the CIL in accordance with Regulation 59F of with the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.

Below is a table showing the amount of CIL which has been collected and allocated towards the Non-Parish Neighbourhood element during the last financial year.

<b>Table 6. Non-Parish Neighbourhood CIL Collected (to the nearest £)</b>	
<b>Year</b>	<b>Income</b>
2015/16	£0
2016/17	£2,476
2017/18	£50,397
2018/19	£91,344
2019/20	£46,423
2020/21	£50,957
2021/22	£249,963
2022/23	£102,111
<b>Total</b>	<b>£593,671</b>

To date Gedling Borough Council have awarded a total of £317,260 through the Non-Parish Neighborhood portion, to seven different infrastructure projects. Table 7 below provides a summary of these projects. The projects can be found in greater detail in

the relevant annual Infrastructure Funding Statements which are available on the Gedling Borough Council website.

<b>Table 7. Summary of Non-Parish Neighbourhood CIL Awards</b>		
<b>Project</b>	<b>Award</b>	<b>Year of Submission</b>
Cinderpath Lighting	£3,500	17/18
Car Park Extension at Gedling Country Park	£100,000	18/19
Changing Room Facilities at Lambley Lane	£40,000	18/19
Green Lung Corridor	£50,000	19/20
Arnold Marketplace Development	£43,000	19/20
Footpath Extension at Willow Park	£25,000	20/21
Internal works and alterations at Netherfield Forum Children, Young People and Families Hub	£55,760	20/21

At the end of the financial year 2022/23 a total of £276,411 in CIL Receipts was retained by Gedling Borough Council for allocation towards the funding of future nominated projects. During 2022/23 a total of two projects were nominated and considered for Non-Parish Neighbourhood funding but were ultimately unsuccessful. These projects were retained on the Local Infrastructure Schedule for re-consideration as part of the 2023/24 nominations when they may be more suitable for Non-Parish Neighbourhood funding awards. Further information on these projects can be found by viewing the minutes of the relevant Cabinet Meeting on the 7<sup>th</sup> September 2023 which are publicly available on the Gedling Borough Council website.

### **2.2.3 CIL Administration Portion**

The remaining 5% of monies collected through CIL Receipts is made available for Charging Authorities to cover the administrative costs associated with implementing and enforcing the CIL.

To date a total of £348,983 has been collected towards covering the costs of operating the CIL within Gedling Borough Council. Table 8 below shows a breakdown of the annual receipts collected towards this portion of the CIL.

**Table 8. Administration CIL Collected (to the nearest £)**

Year	Income
2015/16	£0
2016/17	£2,106
2017/18	£20,861
2018/19	£33,134
2019/20	£21,176
2020/21	£28,085
2021/22	£160,747
2022/23	£82,874
<b>Total</b>	<b>£348,983</b>

### 3 SECTION 106 OBLIGATIONS

Gedling Borough Councils approach to planning obligations is set out within the Aligned Core Strategy 2014 (Part 1 Local Plan), the Local Planning Document 2018 (Part 2 Local Plan) and Gedling Borough Councils Planning Obligations Protocol 2014. Priorities which should be considered when negotiating planning applications include factors such as Affordable Housing, Open Space, Education and Primary Healthcare.

More detailed guidance regarding how obligations are calculated can be found in Gedling Borough Councils Supplementary Planning Documents and Guidance on the Gedling Borough Councils website at

<https://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanandpolicydocuments/>.

#### 3.1 New Section 106 Agreements Signed

During the financial year 2022/23 there have been a total of 8 new planning permissions granted for developments which were subject to Section 106 Agreements. Of these 3 were new Section 106 Agreements and 5 were Variations to pre-existing Agreements. Table 9 below provides a list of these developments.

**Table 9. List of New Section 106 Agreements 2022/23 (to the nearest £)**

<b>App Ref</b>	<b>Location</b>	<b>Breakdown of Obligations</b>
2017/0999 (Deed of Variation)	Teal Close, Netherfield	Cycle / Footway Works Contribution - £150,000  Lowdham Roundabout Improvements Contribution - £64,932.75
2021/1363 (Deed of Variation)	Former Car Park, North Green, Calverton, Nottingham	No new obligations. Purpose of DoV is to tie new permissions to original agreement.
2021/1471 (Deed of Variation)	Land at Rolleston Drive, Arnold, Nottingham	No new obligations. Purpose of DoV is to tie new permissions to original agreement.
2020/1254	73 Burton Road, Carlton, Nottingham	Local Labour Agreement.  Monitoring Fee £630.  Viability Re-Appraisal. If found viable: - Affordable Housing Contribution - Bus Stop Contribution
2020/1312	53 Woodthorpe Drive, Woodthorpe, Nottingham	Local Labour Agreement.  Primary Healthcare Contribution - £8,670.  Bus Stop Contribution - £6,000.

**Table 9. List of New Section 106 Agreements 2022/23 (to the nearest £)**

2022/0432 (Deed of Variation)	Land at Teal Close, Burton Joyce	Affordable Housing – First Homes.
2022/0240	Netherfield Methodist Church, Victoria Road, Netherfield , Nottinghamshire	Local Employment and Skills Plan.  Bus Stop Contribution - £8,825.
2021/0668 (Deed of Variation)	Land Northwest of Park Road, Calverton, Nottingham	Affordable Housing Provisions.

A copy of each Section 106 Agreement and other public documents relevant to each Planning Application can be viewed electronically on the planning portal at <https://pawam.gedling.gov.uk/online-applications/>.

### 3.2 Section 106 Capital Contributions Overview

A total of £799,711 was received in Section 106 Contributions during the financial year 2022/23.

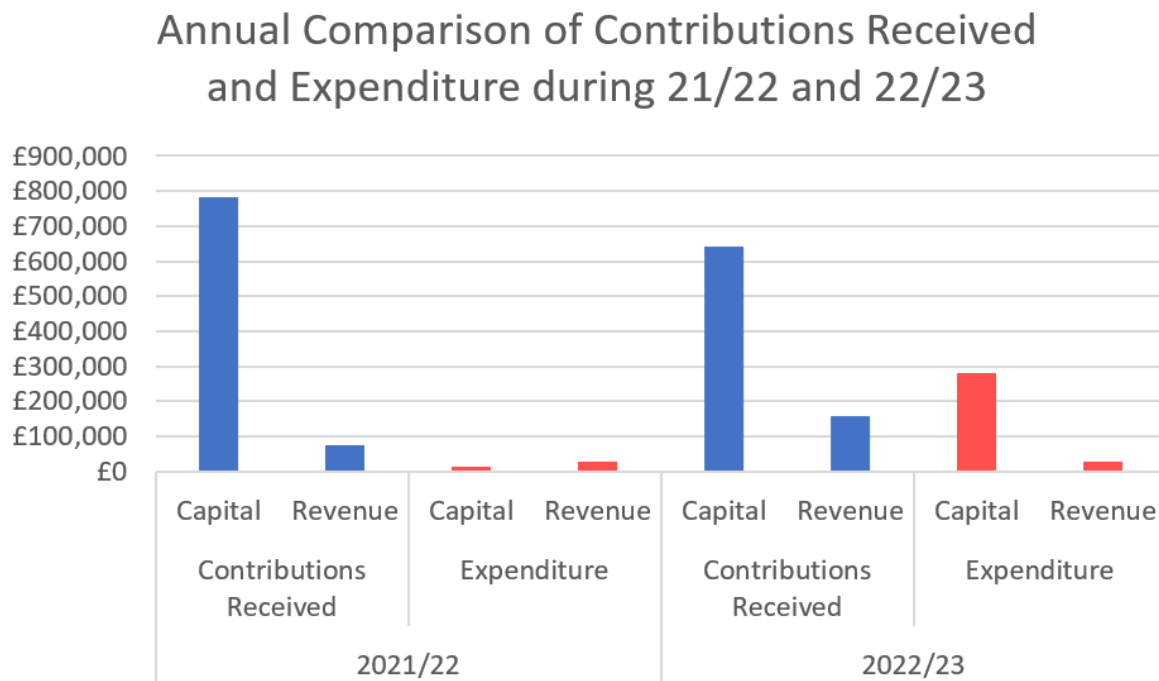
Table 10 provides a breakdown of the total contributions received from S106 Contributions and the amount of Expenditure over the last financial year.

**Table 10. Overview of S106 Contributions 2022/23 (to the nearest £)**

Contributions Received		Expenditure	
Capital	Revenue	Capital	Revenue
£642,731	£156,980	£280,058	£29,729

The figures above represent a similar level of income in relation to Capital Contributions collected during the last fiscal year whilst Revenue Contributions were approximately doubled. In addition to this, Capital Expenditure rose from £13,825 to £280,058, demonstrating the Councils commitment to ensuring delivery of infrastructure to mitigate the impacts of relevant development.

**Figure 3. Annual Comparison of S106 Income and Expenditure**



### 3.3 Capital Contributions retained at end of Financial Year 2022/23

Contributions collected through a Section 106 agreement usually have a clause stating the timeframe in which the contribution is to be expended. Currently there are no S106 contributions which have exceeded the timeframe and plans are in place to ensure that the contributions are expended prior to the repayment dates set.

In the majority of S106 agreements the payback period is usually 10 years however these clauses can range between 5 – 10 years.

Table 11 below details the Capital Contributions which have been retained at the end of the financial year 2022/23. These monies have yet to be allocated to a specific scheme or project.

**Table 11. Capital Contributions held as of 31<sup>st</sup> March 2023 (to the nearest £)**

Site	Application Reference	S106 Received	Contributions Held	Provision	Deadline for expenditure
Spring Lane	2007/0748	2014	£24,924	Affordable Housing	2024
			£11,863	Open Space	
Land Between Main St and Hollinwood	2012/0941	2019	£99,536	Open Space	2029
Land at Wighay Road	2014/0950	2016	£94,822	Open Space	2026
			£560,567	Affordable Housing	
			£21,741	Healthcare	
Land at Stockings Farm	2010/0437	2016	£435,232	Healthcare	2026
Bradstone Drive, off Spring Lane	2014/0740	2017	£23,903	Healthcare	2027
Land North of Papplewick Lane, Linby	2013/1406	2017	£37,346	Healthcare	2027
			£215,568	Affordable Housing	2028
		2020	£454,104	Affordable Housing	2030
			£81,739	Healthcare	2030
Land Off Cavendish Road	2014/0559	2017	£35,243	Open Space	2027
Land at Teal Close, Netherfield	2013/0546	2019	£111,237	Healthcare	2029
	2014/0238	2019	£27,818	Healthcare	2029



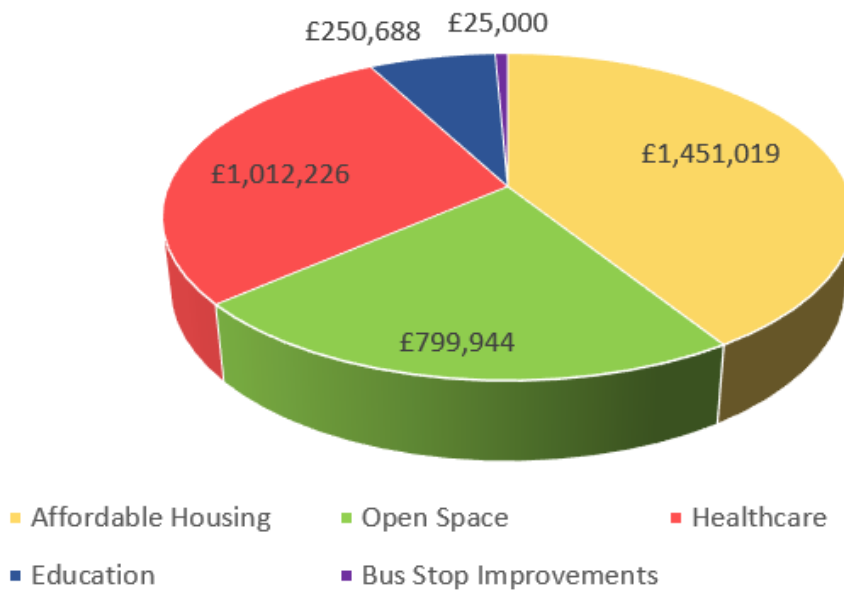
Land West of Westhouse Farm		2021	£164,831	Open Space	2031
		2021	£54,939	Open Space	2031
Land west of Beeston Close, Bestwood	2017/0194	2020	£36,251	Open Space	2030
Bradstone Drive, off Spring Lane	2014/0740	2020	£22,692	Healthcare	2030
Land to the West of Mapperley Plain	2019/0213	2020	£44,434	Healthcare	2030
Rolleston Drive	2020/1054	2021	£250,688	Education	2031
			£25,000	Bus Stop	2031
			£35,493	Healthcare	2031
96 Plans Road Mapperley	2021/0737	2021	£17,636	Open Space	2031
84-86 Chapel Lane	2019/0770	2021	£30,359	Open Space	2031
Dark Lane	2017/1263	2021	£39,862	Open Space	2031
			£18,713	Healthcare	2031
Dark Lane	2017/1263	2022	£53,037	Affordable Housing	2032
Glebe Farm	2014/0475	2021	£15,028	Healthcare	2031
Metalifature	2016/0854	2022	£142,819	Affordable Housing	2032
Cornwater Fields	2013/0836	2022	£103,224	Open Space	2032
84-86 Chapel Lne	2019/0770	2022	£13,500	Open Space	2032
Rolleston Drive	2020/1054	2022	£78,197	Open Space	2032
Wood Lane	2018/0577	2022	£19,681	Open Space	2032

Metalifature	2016/0854	2022	£42,692	HealthCare	2032
Burton Road	2019/1186	2022	£79,549	HealthCare	2032
Flatts Lane	2018/1143	2022	£14,609	HealthCare	2032
			<b>£3,538,877</b>		

Figure 4 below provides a breakdown of all the contributions currently held by Gedling Borough Council per service provision.

**Figure 4. Pie Chart showing S106 Contributions held per type of provision**

Breakdown of Contributions Held by Provision



It should be noted that Gedling Borough Council have collected financial contributions towards the provision of both Education and Bus Stop Improvements. Whilst it is typically the responsibility of Nottinghamshire County Council to collect contributions regarding Education and Highways Improvements, in each of the relevant cases above, the County Council were the applicants for planning permission and as such were unable to collect the monies from themselves. Gedling Borough Council will release the monies in accordance with the terms and obligations of the relevant Section 106 Agreements.

### 3.4 Section 106 Capital and Revenue Expenditure

In 2022/23 Section 106 Contributions totalling £280,058 were spent on infrastructure projects across the borough. Table 12 indicates which developments the contributions were drawn down from and what projects they were allocated to.

<b>Table 12. Capital Contributions expended during 2022/23 (to the nearest £)</b>				
<b>Site</b>	<b>Application Reference</b>	<b>S106 Contribution Received</b>	<b>Amount Spent</b>	<b>Provision/Project Funded</b>
Mill Field Close, Burton Joyce	2015/0424	£69,946	£69,946	Covered outdoor Community Space / Garden at The Old School Building, Main Street, Burton Joyce
Land North West Park Road, Calverton	2018/0607	£36,336	£36,336	Enhancement of play facilities at William Lee Memorial Park, Calverton
Land Adj Dark Lane, Calverton	2017/1263	£39,862	£39,862	Enhancement of play facilities at James Seely Park, Calverton
Land west of Beeston Close, Bestwood	2017/0194	£36,286	£575	Bestwood Country Park - Topographical Surveys
Land North West Park Road, Calverton	2018/0607	£147,948	£133,339	Expansion and renovation of The Calverton Practice, 2a Wilfreds Square, Calverton
Land on Flatts Lane, Calverton	2018/1143			
Land Adj Dark Lane, Calverton	2017/1263			
<b>Total</b>			<b>£280,058</b>	

As well as the collection and expenditure of capital contributions, it is not uncommon for Section 106 Agreements to require the payment of revenue contributions towards the ongoing maintenance of infrastructure which is provided. These payments are typically agreed for a period of 10 years. The majority of revenue contributions which are collected by Gedling Borough Council relate primarily to ongoing maintenance works on Open Spaces sites that the Council have adopted. Table 13 below sets out revenue contributions which have been collected by the Local Authority toward maintenance of projects.

<b>Table 13. Revenue Contributions (to the nearest £)</b>				
<b>Site</b>	<b>Date Received</b>	<b>Balance as of 1<sup>st</sup> April 2022</b>	<b>Annual Payment 2022/23</b>	<b>Remaining Balance as of 31<sup>st</sup> March 2023</b>
Spring Lane	2006	£1,707	£569	£1,138
Park Road, Bestwood	2006	£17,880	£0	£17,880
Downham Close, Arnold	2008	£2,476	£825	£1,651
Arnold View Primary School	2009	£9,898	£2,474	£7,424
Burton Road, Gedling	2009	£2,292	£763	£1,529
188-194 Mapperley Plains	2016	£7,614	£1,904	£5,710
333-339 Mapperley Plains	2016	£9,635	£2,409	£7,226

Spring Lane	2017	£55,288	£11,057	£44,231
Land at Teal Close, Netherfield	2018	£2,550	£0.00	£2,550
Howbeck Road	2020	£24,764	£3,096	£21,668
Bailey Drive	2022	£66,320	£6,632	£59,688
Wood Lane	2022	£8,223	£0.00	£8,223
<b>Total</b>		<b>£208,647</b>	<b>£29,729</b>	<b>£178,918</b>

### 3.5 Section 106 Monitoring Fees

The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 introduced a provision for Local Authorities to insert Monitoring Clauses into future Section 106 Agreements. These clauses allow fees to be levied to support the costs of monitoring and reporting on the delivery of Section 106 planning obligations.

Whilst the amendments to the Regulations allows for monitoring fees to be levied, any such fee must be both fair and reasonable based on the Local Authorities estimates of the actual costs of monitoring the agreement. The Borough Council has an adopted policy which can be viewed on the council's website at the following link - <https://democracy.gedling.gov.uk/documents/s16689/Appendix%201%20Monitoring%20Fee%20Statement.pdf>.

During the financial year 2022/23 Gedling Borough Council completed 1 new Section 106 Agreement which included the provision of a Monitoring Fees in accordance with the above policy. A list of these developments and the relevant monitoring fees, including monitoring fees which have been sought in relation to pre-existing agreements, are detailed below. Upon receipt of the monitoring fee the relevant records will be removed from the table.

**Table 14. Section 106 Agreements with Monitoring Fees (to the nearest £)**

Site	Date S106 Signed	Value of Monitoring Fee	Status
Land On Flatts Lane, Calverton, Nottinghamshire	03.03.2020	£2,835	Payment Due
Land at Orchard Close, Burton Joyce, Nottinghamshire	26.03.2020	£2,520	Payment Due
Land at Brookfields Garden Centre, Mapperley Plains, Nottingham, NG3 5RW	26.03.2020	£2,205	Not Commenced
Land at Chase Farm, Mapperley Plains, Mapperley, Nottingham	09.07.2020	£1,890	Not Commenced
Land South of Main Street, Calverton, Nottinghamshire	07.04.2021	£2,205	Not Commenced
Land East of 16 Kighill Lane, Ravenshead, Nottinghamshire	22.04.2021	£315	Payment Due
Car Park, North Green, Calverton, Nottinghamshire	11.06.2021	£630	Not Commenced
Top Wighay Farm, Wighay Road, Linby, Nottinghamshire	25.03.2022	£5,040	Not Commenced
73 Burton Road, Carlton, Nottingham	16.06.2022	£630	Not Commenced
<b>Total</b>		<b>£18,270</b>	

### 3.6 Non-Monetary Contributions

In some instances, financial contributions may not be deemed necessary to mitigate against the impacts of a development. Instead, it may be considered that the provision of on-site infrastructure such as Affordable Housing or, the agreement of future plans such as local employment schemes may be sufficient.

Table 15 details developments approved during the reporting year which include a provision to provide Affordable Housing on site.

**Table 15. Provision of Affordable Housing 2022/23**

Site Address	Application Reference	Date S106 Signed	Affordable Housing Obligation
--------------	-----------------------	------------------	-------------------------------

**Table 15. Provision of Affordable Housing 2022/23**

<p>73 Burton Road, Carlton, Nottingham</p>	<p>2020/1254</p>	<p>16.06.2022</p>	<p>Subject to Re-Assessment of Viability - A commuted sum equivalent to a policy compliant on-site affordable housing payable to Gedling Borough Council.</p>
<p>Land at Teal Close, Burton Joyce</p>	<p>2022/0432 (Deed of Variation)</p>	<p>12.08.2022</p>	<p>4 units of affordable housing provided as First Homes in perpetuity.</p>
<p>Land Northwest of Park Road, Calverton, Nottingham</p>	<p>2021/0668 (Deed of Variation)</p>	<p>30.01.2023</p>	<ul style="list-style-type: none"> <li>- the definition of chargee has been amended and</li> <li>- where there is a default of an affordable housing provider's securitisation of an affordable housing asset on this site:             <ul style="list-style-type: none"> <li>o the mortgagee/chargee on default can now obtain a sum from the sale of such property that not only covers the money outstanding under the charge or mortgage but now also recover their principal monies, interest and costs and expenses; and</li> <li>o the Council now has 3 months from receipt of a notice from a chargee of an intention to dispose of affordable housing, to secure its own transfer of the property to secure it as affordable housing, this has been reduced from 4 months.</li> </ul> </li> </ul>

Where appropriate, Section 106 Agreements also create opportunities to work with developers to ensure that, as well as providing a safe and attractive place to live for local residents to live, developments can provide a chance to support and improve the lives of our local residents by agreeing Employment and Skills Plans, also known as Local Labour Agreements. Through these Employment and Skills Plans it is possible to increase workplace opportunities for local residents and involve our younger communities to increase skill sets and education.

Of the Section 106 Agreements completed in 2022/23, three included a requirement to submit an Employment and Skills Plan / Local Labour Agreement to the Local Planning Authority for signing off. Table 16 details the developments which require such obligations.

<b>Table 16. Employment and Skills Plans Agreed 2022/23</b>	
<b>Site</b>	<b>Date S106 Signed</b>
73 Burton Road, Carlton, Nottingham	16.06.2022
53 Woodthorpe Drive, Woodthorpe, Nottingham	11.07.2022
Netherfield Methodist Church, Victoria Road, Netherfield, Nottinghamshire	07.11.2022

### **3.7 Monies Borrowed**

No Section 106 monies were spent repaying money borrowed during the financial year 2022/23.

## **4 GOING FORWARD – PLANNED EXPENDITURE**

In accordance with the latest amendments to the CIL Regulations, the IFS outlines the future priorities in terms of expenditure over the next reporting period (2023/24).

The amount of CIL receipts generated in any given financial year is dependent upon the implementation of planning permissions and phasing of developments. Whilst it is possible to calculate the amount of CIL receipts expected through the totalling of Liability Notices generated, this will only ever be a theoretical figure as payment only becomes due upon the commencement of development.



Contributions generated through Section 106 Agreements must be spent in accordance with the terms set out within each Agreement (as negotiated during the planning application process). These terms will often have several trigger points, such as number of residential units occupied, which will cause the payment to become due. In this way, funding obtained through Section 106 agreements are heavily reliant upon the phasing and delivery of development and can vary greatly on a site by site basis, making it difficult to accurately forecast future income.

#### **4.1 Strategic CIL**

Since Gedling Borough Council first adopted the CIL in 2015 the Strategic portion of CIL Receipts have been ring-fenced for the provision of the Gedling Access Road (GAR). The GAR remains a vital piece of infrastructure to support growth in the area and provide greater connectivity between the central urbanised area of the Borough such as Mapperley and Arnold, and more rural settlements such as Burton Joyce and Stoke Bardolph.

Gedling Borough Council have transferred approx. £4.44m, from its Strategic Portion of CIL Receipts, to Nottinghamshire County Council in order to part fund the construction of the GAR. This payment was transferred in the Autumn of 2023, after the reporting year this Infrastructure Funding Statement covers, and as such will be fully reported in next year's IFS.

Focus for the Strategic Portion of Gedling Borough Councils CIL Receipts will now shift towards the remaining projects on the Infrastructure List – previously the Regulation 123 List. These include:

- Gedling Colliery Country Park Visitors Centre
- Gedling Colliery / Chase Farm Secondary School Contributions
- Top Wighay Farm Secondary School Contributions

No decision has yet been taken with regards to the prioritisation of these projects.

#### **4.2 Neighbourhood Portion CIL**

The Neighbourhood CIL will continue to be spent on providing and improving existing infrastructure within the Borough. 15% of CIL receipts will continue to be allocated to

the Neighbourhood portion of the CIL rising to 25% in places where a Neighbourhood Plan has been adopted.

The Neighbourhood portion of CIL receipts collected in local parishes will continue to be transferred directly to these governing bodies for allocation.

Throughout the year, local community groups and stakeholders will be able to nominate projects for the Neighbourhood portion of the CIL receipts which are collected within non-parish areas. Submissions can be made by completing the electronic form on the Gedling Borough Council website at the following link - <https://apps.gedling.gov.uk/forms/default.aspx?formid=86>.

In accordance with the CIL Regulations and Gedling Borough Councils CIL Guidance Note, an assessment of all the projects nominated throughout the year will commence in October. A Local Infrastructure Schedule (LIS) will be published along with a comprehensive project assessment for review prior to CIL Non-Parish Funding awards being granted. Following the publication of the LIS and project assessment a public consultation will be undertaken and a final report identifying which if any projects have been successful. If no projects are nominated or deemed appropriate the Neighbourhood CIL will be carried over to the next financial year.

Examples of types of Infrastructure which may be appropriate include:

- Improvements to local open spaces;
- Street improvements;
- Drainage improvements;
- Town centre regeneration and
- Recreational facilities.

It is important that any project which is nominated is able to demonstrate how it fulfils a need created by new development within the area and, should wherever possible, show availability to provide match funding through other revenue streams.

#### **4.3 Section 106 Contributions**

The Gedling 2023/24 capital programme sets out the future spending priorities of

Gedling Borough Council. Three infrastructure projects totalling £71,800 were initially identified in 2022/23 and have been carried across into 2023/24. The projects which have been identified so far as suitable for Section 106 funding are detailed in table 17 below.

<b>Table 17. Section 106 Contributions 2023/24 Allocations</b>	
<b>Open Spaces</b>	
Sand Martin Bank & Bird Hide at Gedling Country Park £13,700 from Spring Lane 2007/0748 Contributions.	
Lambley Lane Changing Rooms & Pitch Renovation £21,300 from Land Off Cavendish Road 2014/0559 Contributions.	
Bestwood Country Park Car Park extension £36,800 from Land west of Beeston Close 2017/0194 Contributions.	
<b>Affordable Housing</b>	
No funding committed for 23/24 to date.	
<b>Healthcare</b>	
No funding committed for 23/24 to date.	
<b>Education</b>	
Education Contributions are requested and secured by Nottinghamshire County Council. The County Council are required to draft their own Infrastructure Funding Statement reporting on financial contributions received through S106 Agreements. A copy of this document will be available for viewing on Nottinghamshire County Councils website.	

Careful consideration will be given to remaining Section 106 Contributions which are being held by Gedling Borough Council. These remaining sums will be monitored and projects identified in accordance with the relevant legal S106 Agreements.

## 5 Infrastructure List

<b>Table 18. The Infrastructure List</b>	
<b>Community Infrastructure Levy</b>	
Construction of Gedling Access Road to facilitate Gedling Colliery / Chase Farm development.	Project complete. Strategic CIL transferred to Nottinghamshire County

**Table 18. The Infrastructure List**

	Council in Autumn 2023 which will be reported in next year's IFS with the project then removed from the Infrastructure List.
Secondary School Contributions at Gedling Colliery / Chase Farm and Top Wighay Farm developments.	To be funded through Strategic portion of CIL Receipts collected.
Gedling Colliery Country Park Visitors Centre	To be funded through Strategic portion of CIL Receipts collected.
Annual assessment of suitable Infrastructure projects identified in accordance with Regulation 59F of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.	To be funded through the Neighbourhood portion of CIL Receipts collected.
<b>Section 106 Contributions</b>	
Provision of Affordable Housing Units either on-site or through capital contributions.	To be secured through Section 106 Obligations.
Provision of Open Spaces including new infrastructure and improvements to existing sites.	To be secured through Section 106 Obligations.
Provision for Primary Healthcare including new infrastructure and improvements of existing surgeries.	To be secured through Section 106 Obligations.
Any other future infrastructure which is deemed necessary, in accordance with the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019	To be secured through Section 106 Obligations.

The above is not a final account of all infrastructure that may be funded through Planning Obligations. The Infrastructure List will be monitored and may be updated accordingly to represent new projects that are identified in the future.

If you have any further queries or comments about this statement, please do not hesitate to contact us via email at [CIL@gedling.gov.uk](mailto:CIL@gedling.gov.uk) or phone on 0115 901 3731.

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## Report to Cabinet

**Subject:** Sustainable Urban Drainage Systems

**Date:** 14 December 2023

**Author:** Head of Development and Place

### Wards Affected

All

### Purpose

The purpose of this report is to consider whether it is necessary to prepare a Supplementary Planning Document (SPD) on the topic of Sustainable urban Drainage Systems (SuDS), specifically requiring the provision of construction phase drainage.

### Key Decision

This is not a key decision.

### Recommendation(s)

**THAT: Cabinet:**

- 1) **Note the content of the report; which confirms that issues relating to SuDs more generally are addressed by existing and emerging policies/guidance and pre-commencement conditions are an effective solution to effectively manage construction phase drainage; and**
- 2) **Agree that is not necessary to produce a Supplementary Planning Document (SPD) specifically on Sustainable urban Drainage Systems (SuDS) to ensure adequate drainage is installed first on any new housing development site before any other construction works are carried out.**

- 1.1 On 20<sup>th</sup> September 2023 the Council resolved that Cabinet should receive a report to consider the introduction of a Supplementary Planning Document (SPD) that ensures adequate drainage is installed first on any new housing development site before any other construction works are carried out. A key trigger was the occurrence of surface water run-off from two elevated sites during the autumn of 2022, following significant rainfall over a short period of time. Both planning permissions for housing development were permitted subject to conditions requiring surface water drainage schemes being incorporated as part of the overall development scheme, but unfortunately surface water flooding occurred during the early construction phase, prior to the required SuDS being installed. The issue is therefore the need to ensure that development sites are properly drained during their construction, in addition to SuDS which will ultimately serve completed development.
- 1.2 Whilst it is not possible to eliminate flood risk entirely from various sources, policy both national and local seeks to manage and minimise the risk of flooding on-site and elsewhere. In relation to surface water, Aligned Core Strategy (ACS) Policy 1 seeks SuDS wherever practical, and this is echoed in Local Planning Document (LPD) Policy 4 which requires development to have appropriate surface treatments (i.e. permeable surfaces) and SuDS. The subject of this report is to consider whether a SuDS Supplementary Planning Document to augment ACS Policy 1 and LPD Policy 4 would be advantageous in terms of reducing the risk of surface water runoff from development sites at all stages of their development and whether this would add value to current practice.
- 1.3 SuDS are a measure to manage surface water by replicating natural drainage patterns and to deliver benefits in terms of water quality, amenity and biodiversity so they are not simply treated as an engineering feature but a key component of development design. Typical SuDS features include amongst others: permeable paving, rain gardens, swales and detention basins. A number of councils across England have prepared SPDs specifically on the topic of SuDS. A desk top review indicates that in general these are prepared in response to local issues and opportunities.
- 1.4 Locally, Mansfield District Council recently adopted an SPD on SuDS in March 2023. In this case, the SuDS SPD complements a programme of works being undertaken by Severn Trent Water (STW) to reduce the amount of surface water entering into the local combined sewage system and to address this problem by creating surface water storage through blue and green infrastructure project investments. These include interventions in Mansfield Town Centre as part of enhancements associated with the Town Centre Masterplan projects especially through improvements to the public realm. SWT have some limited funding available for developers to exceed normal standards for SuDs and the



SPD encourages developers to liaise with STW in this regard. Recognising that the STW funding is time limited the SPD also sets out longer term guidance for the implementation and management of SuDS beyond the timeframe of the STW project.

- 1.5 None of the Greater Nottingham Planning Partnership Councils have prepared SPDs specifically on SuDS and at the time of writing none are proposing to. However, Ashfield District Council refers to SuDS in its non-statutory guidance on Climate Change (2022) and Erewash Borough Council contains some guidance on SuDS in its adopted Development, Flood Risk and Aquifer Protection SPD (2006).
- 1.6 It is also worth stating that many Councils reference the requirement for SuDS and guiding principles relating to the type, design and management of these drainage features within other types of SPD for example, SPDs on design, sustainable development, green and blue infrastructure, and parks and open spaces. In some cases, planning guidance on SuDS has been prepared by the Local Lead Flood Risk Authority (LLFA) who are statutory consultees for housing planning applications and may publish their policies on managing flood risk and drainage to aid the development process.
- 1.7 In addition to managing flood risk, common objectives contained in SuDS SPDs or other relevant SPDs containing SuDS guidance include the need to integrate SuDS into the design scheme from the outset, to address climate change; to achieve multiple benefits such as increased opportunities for biodiversity and incorporating SuDS within open space to promote amenity, health and wellbeing. A SPD on SuDS is not needed for the detailed technical specification of drainage works as there is specific guidance for this such as the Construction Industry Research and Information Association (CIRIA) SuDS Manual. Technical specification needs to be bespoke based on site surveys and dealt with at the planning application stage.
- 1.8 The specific issue for Gedling Borough has been where problems from surface water run off occurred during the early construction phase exacerbated by local topography i.e. sloping ground and heavy rain fall and in advance of the planned SuDS being installed as part of the development. In essence it is an issue about ensuring that a surface water drainage system is in place to coincide with the start of the construction phase especially on sites at a higher flood risk due to local topography. In order to address this specific issue, following the heavy rainfall in October 2022, Gedling Borough Council has attached a standard pre-commencement condition to planning permissions where development is proposed to take place on elevated land, to require a surface water drainage scheme to be in place during the construction phase with details submitted and agreed prior to the commencement of development. Such

drainage schemes for the construction phase are likely to be temporary in nature with the later stages of development including the operational phase being served by the approved SuDS scheme in accordance with the details approved in the planning permission.

- 1.9 The use of planning conditions is governed by tests set out in the National Planning Policy Framework (2023). Conditions must be necessary for the development to go ahead, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects. More specifically in relation to pre-commencement conditions the Council must give notice allowing the applicant 10 working days to either agree to the conditions or provide a substantive response and the application cannot be determined until the 10 days has expired, unless a response has been received sooner.
- 1.10 Governed by the tests set out above, pre-commencement conditions are considered an effective solution to the issue, applied at the planning application stage and are enforceable. The standard pre-commencement drainage condition is included in the **Appendix** and, when applied, accords with ACS Policy 1 and LPD Policy 4 and the NPPF tests.
- 1.11 The preparation of a SPD is therefore not considered necessary to address the specific issue of requiring drainage systems for surface water during the construction phase as the SPD policy would only repeat the pre-commencement condition and serve no other useful purpose.
- 1.12 Although not subject to independent examination like local plans the procedure for preparation of an SPD is not dissimilar. This includes notifying statutory consultees of the likely content and carrying out a consultation stage with any responses to be considered prior to adoption. Consequently, a SPD takes a considerable time to prepare and adopt regardless of the number of representations received although the more of these there are then the process generally takes longer. Probably an unlikely event in this case, but a SPD is also subject to a period for legal challenge on adoption which is an added risk. In short, it is felt that the preparation of a SPD to address this particular issue would not be the best use of available resources and unlikely to add sufficient value to current practice.
- 1.13 In addition to managing flood risk, other objectives associated with SuDS SPDs as outlined in this report are highly desirable in themselves for example in promoting biodiversity and to achieve multi-functional green space as part of open space provision and for its long-term management. However, it is proposed to promote such policy objectives where current adopted policy is deficient through the emerging Greater Nottingham Strategic Plan, future Local Planning Document Part 2 and forthcoming SPDs including the Design Codes for Gedling Borough (currently under

preparation) and the Open Space SPD for Gedling Borough (also currently under preparation).

## **2 Proposal**

- 2.1 Cabinet is asked to note the report and agree the recommendation.

## **3 Alternative Options**

- 3.1 Alternative options are considered in the body of the report being the preparation of a SPD on SuDS although this is not recommended. A further option would be to do nothing but this would not address the issues raised.

## **4 Financial Implications**

- 4.1 A SPD on SuDS could be prepared within existing budgets but is not considered to be necessary and could potentially delay important policy preparation and monitoring work undertaken by the department.

## **5 Legal Implications**

- 5.1 The 2004 Planning and Compensation Act empowers Local Planning Authorities to prepare local plans and supplementary planning documents.
- 5.2 The power to impose planning conditions is set out in the 1990 Town and Country Planning Act (as amended).

## **6 Equalities Implications**

- 6.1 None direct. Current policies relating to SuDS and their implementation are set out in the adopted Aligned Core Strategy (ACS) and Local Planning Document (LPD) which have been subject to an Equalities Assessment.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 Current policies relating to SuDS and their implementation are set out in the adopted ACS and LPD which have been subject to a sustainability appraisal. The recommendation is for more effective implementation of existing policy which would help make development more resilient and sustainable.

## **8 Appendices**

- 8.1 Appendix – Standard Pre-commencement Drainage Condition

## **9 Background Papers**

9.1 None

**10 Reasons for Recommendations**

10.1 To address the Council resolution on 21<sup>st</sup> September 2023 and to seek Cabinet agreement that the preparation of a SuDS SPD is not necessary to ensure adequate drainage is installed first on any new housing development site before any other construction works are carried out. The alternative remedy of relying on a planning condition considered through the development management process is an effective measure to control any potential construction phase flooding, where development is proposed on elevated land.

**Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**

## **Appendix**

Standard pre-commencement condition for drainage during the construction phase

Condition: Prior to the commencement of development, details of means by which the site will be drained during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the details as approved.

Reason: To ensure that the site is adequately drained and to comply with Aligned Core Strategy (ACS) Policy 1 and Local Planning Document (LPD) Policy 4.

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## Report to Cabinet

**Subject:** Selective Licensing Consultation, Netherfield Scheme Review and Proposal Phase 1a

**Date:** 14<sup>th</sup> December 2023

**Author:** Head of Environment

### Wards Affected

Netherfield Ward

### Purpose

To advise Members of the Netherfield Selective Licensing Scheme Review and Proposal Phase 1a to Declare Selective Licensing Designation within the Private Rented Sector contained at appendix 1 of the report.

To obtain Member approval for the Netherfield Selective Licensing Scheme Review and Proposal Phase 1a to Declare a Selective Licensing Designation within the Private Rented Sector contained at appendix 1 of the report to be issued for a 12 week public consultation.

That Members note the proposed fees and resource requirements outlined in the financial implications section of this report, subject to the result of the public consultation.

### Key Decision

Not a key decision

### Recommendation(s)

#### THAT Cabinet:

- 1) **Note the review of the selective licensing scheme in Netherfield and the Proposal Phase 1a to Declare a Selective Licensing Designation within the Private Rented Sector (appendix 1).**
- 2) **Approve selective licensing scheme review in Netherfield and Proposal 1a to Declare a Selective Licensing Designation within the Private**

**Rented Sector contained at appendix 1 to be issued for a 12 week public consultation.**

- 3) That Members note the proposed fees and resource requirements outlined in financial implications section of this report, subject to the result of the public consultation.**

## **1 Background**

- 1.1 Section 80 of the Housing Act 2004 allows local authorities to introduce selective licensing of private rented properties in a designated area. The Secretary of State's guidance for local authorities issued by the Department of Communities and Local Government in 2015 requires that a designated area for selective licensing must have a high proportion of private rented accommodation (over 19%). Where the designated area covers over 20% of the local authority area or over 20% of the housing stock the authority to designate must be granted from the Secretary of State, (below this threshold the local authority has the power to designate the area).
- 1.2 The Secretary of State's guidance describes that a local authority can designate an area for selective licensing where one or more of the following conditions exist:
- I. low housing demand (or is likely to become such an area)
  - II. a significant and persistent problem caused by anti-social behaviour
  - III. poor property conditions
  - IV. high levels of migration
  - V. high levels of deprivation
  - VI. high levels of crime
- 1.3 The purpose of local authorities licencing all private landlords in a designated area is to ensure that a minimum standard of property management is achieved. The explanatory notes to Part 3 of the Housing Act 2004 makes it clear that selective licensing is strongly linked into the Government's anti-social behaviour agenda. Registered Social Landlords and their properties are exempt from selective licensing.
- 1.4 On 8<sup>th</sup> March 2018 the council's cabinet designated the council's first selective licensing scheme covering the Netherfield ward (Phase 1) from 1<sup>st</sup> October 2018 to 30<sup>th</sup> September 2023. This followed a 12 week public consultation to seek views from stakeholders.



- 1.5 The phase 1 selective licensing scheme in Netherfield was introduced as the council was satisfied there were:
- I. a significant and persistent problem caused by anti-social behaviour
  - II. poor property conditions
  - III. high levels of deprivation
  - IV. high levels of crime
- 1.6 The Secretary of States guidance states that Selective licensing is not intended to be an end in itself. It is a means to an end. It is about improving management standards in the private sector in areas where those standards are needed to be improved for the benefits of occupiers and the wider community. The Government recognises that licensing may have to be a long term strategy and that it will not provide instant solutions. It also appreciates that, if in the initial phase there has been little improvement in an area, this does not necessarily mean that a designation is a failure.
- 1.7 When considering whether a local housing authority should renew a selective licensing scheme which requires confirmation by the Secretary of State consideration the guidance requires local authorities to set out whether the scheme has met the objectives or not. Guidance is not provided for council's seeking to renew a scheme that has not required Secretary of State approval and the review of the Netherfield scheme is set out in the same format as if it required Secretary of State approval.
- 1.8 The objectives of the council's selective licensing scheme in Netherfield were:
- 1) To address poor housing conditions
  - 2) To introduce a mechanism to address antisocial behaviour associated with private rented homes
  - 3) To introduce a mechanism to address crime associated with private rented homes
  - 4) To introduce a mechanism that contributes to addressing levels of deprivation
  - 5) To see improvements in property management
- 1.9 The review of the Netherfield selective licensing (see appendix 1) shows in section 5 that there is evidence to show that the scheme has met or is

making good progress towards meeting the scheme objectives as summarised in paragraphs 1.11 to 1.15 below.

1.10 Objective 1

The evidence collated from the scheme confirms there is poor quality housing in the Netherfield ward that presents a hazard to the occupiers or visitors. Progress has been made to improve this poor quality housing but it still remains a cause for concern as even in the final year of the scheme significant hazards are being uncovered. Due to the nature and type of the housing stock in the ward there is evidence to suggest that properties require ongoing maintenance to comply with minimum legal standards which are getting increasingly tighter in terms of energy efficiency and the potential introduction of the decent homes standard for the private rented sector currently under consideration by Government.

1.11 Objective 2

The analysis of antisocial behaviour in the Netherfield ward shows that the scheme objective “to introduce a mechanism to address antisocial behaviour associated with private rented homes” has been achieved but despite this the levels of antisocial behaviour remain a concern. There have been reductions in antisocial behaviour since a peak in 2019/20 and implementation of selective licensing remains a unique mechanism that can help introduce a framework for private landlords and managing agents to work with partner agencies to address antisocial behaviour.

1.12 Objective 3

Whilst crime has reduced during the 4 year period analysed during the selective licensing scheme it remains at a high level and a cause for concern. The review data shows reports are spread throughout the ward and not isolated to one area or street and support an area based / ward wide approach to address criminal behaviour.

1.13 Objective 4

The review shows the selective licensing scheme has introduced a unique mechanism to improve private rented homes and issues associated with them. The selective licensing scheme has improved housing conditions in the Netherfield ward which in turn can help reduce fuel poverty through improved energy efficiency of homes and reduce health impacts through removing hazards in the home. Both of these metrics in terms of improving health and addressing fuel poverty contribute to reducing deprivation in the ward. At a time when the cost of living is extremely high it is more important than ever to ensure that properties are effectively managed and

maintained to help protect some of the most deprived people in the borough.

Introducing a mechanism to address anti-social behaviour and crime can also have a positive impact on deprivation both in terms of acting as a deterrent to dissuade offenders from being drawn into criminal or antisocial behaviour affecting their social status. If convicted or subject to enforcement action associated with antisocial or criminal behaviour can an individual's ability to seek employment or secure housing which are fundamental in Maslow's hierarchy of needs and climbing the social gradient out of deprivation and poverty.

#### 1.14 Objective 5

The introduction of selective licensing in Netherfield introduces minimum standards set out in the licensing conditions and through the process of administering licence applications the council ensures the appropriate management arrangements are in place, the landlord or person(s) in control are deemed fit and proper and compliance with legal obligations are achieved. Where standards fall short the council has brought issues of non-compliance to the attention of duty holders. 52 properties were found to have imminent issues requiring urgent attention and 184 homes were improved as direct result of the scheme and the council working with duty holders to bring about improvements. This scale of improvements in housing conditions would not have been possible without the introduction of the scheme. Furthermore the wider impacts on crime, ASB would also not have been possible without the scheme. Whilst it is fair to say issues will still arise in the ward and have not been completely eradicated the systems and infrastructure in place to address poor property management in the private rented sector are significantly improved by having a selective licensing scheme in place and it is considered that this objective has been achieved.

1.15 The data set out in section 5 of the Netherfield Selective Licensing review (see appendix 1) and elsewhere in the review shows the following Secretary of States criteria for introducing a selective licensing scheme remain in the Netherfield ward:

- I. a significant and persistent problem caused by anti-social behaviour
- II. poor property conditions
- III. high levels of deprivation
- IV. high levels of crime

In order to maintain the positive impacts and improvements the selective licensing scheme is showing it is recommended that a new selective

licensing scheme covering the Netherfield ward is designated subject to a public consultation and approval by the Council's Cabinet members. It is proposed that the designation would apply to all private rented homes in the Netherfield ward as this will ensure wider issues affecting the ward such as crime, antisocial behaviour and deprivation are addressed on an area basis and not lead to streets of sections of the Netherfield community being left behind adjacent areas if the scheme did not cover the whole ward. It is recommended that the new Netherfield designation is referred to as Phase 1a.

- 1.16 Prior to designating an area for selective licensing the local authority must have conducted a public consultation for a minimum period of 10 weeks. Any existing scheme that covers more than 20% of the geographical area of the authority or 20% of private rented homes in the area will require confirmation from the Secretary of State. The proposed Phase 1a selective licensing scheme in Netherfield and the existing phase 2 selective licensing scheme combined do not exceed the thresholds requiring approval from the Secretary of State.
- 1.17 In allowing local authorities to designate areas for selective licensing the government also allows for a fee to be set to recover the costs of running the scheme. It is not permitted for the fees to be set to generate additional revenue for the Council, the proposed fees for selective licensing are explained in the financial implications section of this report. A licence fee discount is proposed for accredited landlords who have voluntarily sought membership of a landlord accreditation scheme. Accredited landlords are required to achieve an agreed standard of competence and have access to training and support from the accreditation provider to improve their skills and knowledge about the business of owning, managing or letting a private rented home.

## **2 Proposal**

- 2.1 That Members note the Netherfield selective licensing scheme review and Proposal Phase 1a to Declare a Selective Licensing Designation within the Private Rented Sector (appendix 1). This is to ensure that vulnerable households are able to access safe and suitable accommodation in the private rented sector within Gedling.
- 2.2 To obtain Member approval that the Netherfield selective licensing scheme Review and Proposal Phase 1a to Declare a Selective Licensing Designation within the Private Rented Sector (appendix 1) is circulated for a 12 week public consultation. This is to consider views on the potential renewal of a Selective Licensing Scheme of private landlords for the Netherfield ward.

- 2.3 That Members note the proposed fees and resource requirements outlined in financial implications section of this report, subject to the result of the public consultation.
- 2.4 That officers bring back the findings of the public consultation to a future Cabinet meeting to consider and determine whether the proposed scheme should be designated.

### **3 Alternative Options**

- 3.1 Officer's have considered not to renew the scheme in Netherfield but this was not proposed as the scheme is showing some signs of a positive impact and if the scheme was removed the concern is that standards in the private rented sector would deteriorate and the council would not have the resources in place to address them.
- 3.2 Officer's considered if there are other areas of the borough which would benefit from the introduction of a selective licensing scheme which would take the combined total of the council's schemes above the 20% threshold requiring approval from the Secretary of State. Currently there is insufficient evidence to satisfy introducing a selective licensing scheme in other areas of the borough other than those already designated.

### **4 Financial Implications**

- 4.1 The costs associated with conducting a public consultation to consider whether to proceed to designating a selective licensing scheme are minimal and will be absorbed within existing resources. Authorising a public consultation on selective licensing does not commit the Council to proceeding with a scheme but this section of the report will outline the wider financial implications that should be considered if the proposed selective licensing designation is made.
- 4.2 The licence fees associated with proposed scheme have been calculated to ensure the costs of the scheme, including setup, staffing resource and IT resources are covered by the licence fees. Individual licences issued through the scheme will last for the duration of the selective licensing designation which is a maximum period of 5 years and costs have been projected over the 5 year duration of the proposed scheme.
- 4.3 To cover rising costs incurred by the council and ensure adequate staffing resource is in place to administer the scheme it is proposed to raise the licence fees for landlords by 30% since the original scheme commenced in 2018. The proposed fees are £635 for accredited landlords and £820 for landlords who are not accredited. The licence fee is subject to the public consultation and is payable at the point of application and will last the duration of the selective licensing designation. Compared to other schemes nationally these fees a mid-range, some councils have set fees of

up to £800 or even £1,200 per property. Nottingham City Council's proposed selective licensing scheme which has been approved by the Secretary of State includes a standard licence fee of £665 for accredited landlords. £887 for non-accredited landlords and £1,233 for less compliant landlords.

- 4.4 The projected income and costs over 5 years of the designated scheme together with the proposed staffing structure are listed in the table 1 below:

**Table 1.**

Selective Licensing Designation for whole of Netherfield Ward (700 rented properties) - Phase 1a (Renewal of Phase 1)	Projections over 5 years
Income	-£518,315
Staff Costs	£457,712
Non Pay Costs	£66,076
Balance at the end of 5 year period	£5,473

- 4.5 The above projections in table 1 are based on the number of private rented properties found to be licensable during the initial scheme in Netherfield at 700 licensable properties. This is considered the most reliable and accurate way of assessing the likely income from the scheme. The above projections are showing a slight deficit of £5,473 across the 5 year duration of the scheme which will need to be managed effectively to ensure the costs incurred administering the scheme balance with the income generated.
- 4.6 The risk of landlords not applying for a licence is considered small as the scheme will be well publicised and brought to the attention of landlords. Tenants and the community will be encouraged to report properties that should be subject to licensing. The penalties for not licensing a property are significant and with the proposed designated area covering the whole ward it is considered manageable to regulate. The council will proactively pursue landlords who avoid applying for licences and take appropriate and proportionate enforcement action.

4.7 **Table 2**

Staffing Proposal
1 x Housing Improvement Officer Band 8 (Temp) - 3.0 Years
2 x Housing Improvement Officer Band 8 (Temp) - 2.5 Years
1 x Apprentice (Temp) - 2.0 Years
1 x Honorarium for Senior Environmental Health Officer - 5 Years

The proposed staffing requirements necessary to administer the scheme are set out in table 2 above. It is proposed that 3 technical officer grade staff, 1 admin apprentice and 1 Senior EHO will be required to deliver the scheme. The projected staffing costs will be paid for by the licence fees and have been based on the highest costs to the Council if staff were recruited at the top grade in each pay band. The staffing structure will be implemented by the Chief Executive in accordance with delegated arrangements following consultation with the trade unions.

4.8 The projected income generated (see table 1) through the scheme has been based on the 700 private rented properties in the area all applying for licences, it does not take into account additional income if properties that are bought and sold through the course of the scheme that become licensable and/or additional properties that become private rented after the scheme is designated. The projected income also does not take into account cost recovery through enforcement action such as the service of enforcement notices under the Housing Act 2004 which may be required in some circumstances which will be subject of a separate fee. As stated in appendix B of the Netherfield selective licensing scheme review and phase 1a proposal (see appendix 1 to this report) it is proposed to retain all other fees associated with the Phase 1 Netherfield selective licensing scheme approved by the Portfolio Holder for Public Protection on 23<sup>rd</sup> July 2018. It is considered that the potential additional income described in this paragraph will provide sufficient resources to compensate any reductions in income in the unlikely event that there are significantly less private rented properties in the ward than anticipated.

4.9 The financial risks associated with the proposal have been looked at prudently and the financial risk to the Council is considered low. The staff and costs associated with the scheme will be covered through the licence

fees. The income generated through the scheme will be kept under review and should the actual income received through the course of the scheme turn out to be lower than the staffing and associated costs these will be appropriately adjusted throughout the course of the scheme to ensure it remains cost neutral over the 5 year timescale.

- 4.10 Should this report receive approval officers would compile the necessary resource development bids to be considered in the 2024/25 budget process and final approval for scheme implementation will be subject to approval by Cabinet following consideration of the public consultation.

## **5 Legal Implications**

- 5.1 Selective licensing is a regulatory tool provided by the Housing Act 2004. Part 3 of the Housing Act 2004 (the Act) sets out the scheme for licensing private rented properties in a local housing authority area. Under section 80 of the Act a local housing authority can designate the whole or any part or parts of its area as subject to selective licensing. Where a selective licensing designation is made it applies to all privately rented property in the area. The Proposal in Appendix 1 outlines the case for selective licensing in accordance with the secretary of state's guidance and above mentioned legal powers made available to the council by Government.
- 5.2 This report seeks approval to conduct a 12 week public consultation. It is a statutory requirement that before making a designation the local housing authority must take reasonable steps to consult with persons likely to be affected by the designation and Cabinet must consider any representation made in accordance with such a consultation. Officers will collate the consultation responses and bring them back to Cabinet at a future meeting. The Consultation will take the form of a survey hosted via the council's 'Have your say' webpage. The consultation survey will be promoted via a range of ways including:
- Mailshot to private landlords and agents known to own or manage properties in the ward
  - Leaflet to be hand delivered to all residents and businesses within the consultation area
  - Press release and advert in to local newspapers
  - Posters to be displayed in community buildings
  - Information on the Council's website and social media platforms
  - Community briefing events to explain the proposal
  - Adverts on the Councils plasma display screens in the borough
  - Depending on the timing of the publication potentially an article in the spring edition of the Councils Contacts magazine delivered to all residents of the borough.



- 5.3 In order to designate an area for selective licensing the council must be satisfied of a number of conditions before any designation is made including that the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area, that these properties are occupied either under assured tenancies or licences to occupy along with being satisfied that the area is experiencing one of the six conditions listed in paragraph 1.2 of this report. Paragraph 1.16 of this report summarises the statutory conditions that are evidenced in the review of the Netherfield selective licensing scheme and Phase 1a proposal document. This shows Netherfield satisfies four conditions:
- I. a significant and persistent problem caused by anti-social behaviour
  - II. poor property conditions
  - III. high levels of deprivation
  - IV. high levels of crime

The authority must not make a designation unless they have considered whether there are any other courses of action available to them that might provide an effective method of achieving the objective or objectives that the designation would be intended to achieve, and they consider that making the designation will significantly assist them to achieve the objective or objectives.

## **6 Equalities Implications**

- 6.1 The equalities considerations of the decision to hold a public consultation and how the consultation will be completed are outlined in this section of the report.
- 6.2 It is not considered that any of the protected characteristics outlined in the Equalities Act would be adversely impacted by making a decision to hold a public consultation. The consultation will allow individuals to express their views on the proposal in order for them to be considered by the council. With respect to this section of the report it is relevant to explain how the consultation will be conducted to ensure all affected members of the community have opportunity to participate in the consultation.
- 6.3 The secretary of state's guidance (see background paper) explains that when considering designating a selective licensing area the local housing authority must:
- Take reasonable steps to consult persons who are likely to be affected by the designation, and

- Consider any representations in accordance with the consultation

It is proposed that the consultation will be hosted on the council's website 'Have your say' webpage which is readily accessible and an accepted approach for collating consultation representations in a timely and efficient manner. Contact details will be made available should members of the public wish to speak to an officer's to find out more about the consultation and how to submit representations.

- 6.4 A press release will be issued to raise awareness of public consultation, landlord associations will be notified and targeted social media posts and email notifications will be distributed to raise awareness. Officers are producing a leaflet about the scheme consultation to be hand delivered to every household in the proposed Netherfield ward selective licensing area.
- 6.5 A copy of the equalities impact assessment (EIA) that was produced when the original phase 1 selective licensing scheme in the Netherfield ward was introduced is attached in appendix 2 of this report. The EIA will be reviewed through the course of the public consultation to determine if any additional considerations will be required to ensure members of the community from a protected characteristic are not disadvantaged should the proposed scheme be introduced. It is not anticipated that there will be and significant change from the previous selective licensing scheme in the Netherfield ward.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 Holding a public consultation to introduce Selective Licensing will not have an adverse impact on carbon reduction or environmental sustainability.
- 7.2 Should a renewal of the Selective Licensing scheme in Netherfield be implemented it has the potential to have a far reaching positive impact on carbon reduction and environmental sustainability. The council has seen through the selective licensing scheme a substantial number of properties have been improved including measures such as additional insulation and new heating systems to address excess cold hazards but can also reduce carbon emissions. The government's direction of travel for private rented homes is to continue to improve energy efficiency standards and introducing a further selective licensing scheme will help regulate standards in the private rented sector.
- 7.3 The requirement for landlords to apply for a licence provides the council with up to date information on private rented homes in an area which can assist with targeting local fuel poverty and carbon saving schemes interventions as they arise. Added to this the council is able to target

enforcement action and interventions at private rented homes that fall below minimum energy performance standards.

## **8 Appendices**

- 8.1 Appendix 1 - Netherfield Selective Licensing Review and Proposal Phase 1a to Declare a Selective Licensing Designation within the Private Rented Sector
- 8.2 Appendix 2 – Netherfield selective licensing phase1 equalities impact assessment

## **9 Background Papers**

- 9.1 Secretary of State’s Guidance “*Selective Licensing in the private rented sector: A Guide for local authorities*”
- 9.2 Cabinet Report 8 March 2018 Selective Licensing Implementation in the Netherfield Ward

## **10 Reasons for Recommendations**

- 10.1 To gain Cabinet approval to conduct a public consultation to consider whether to renew the designation to declare the Netherfield ward for selective licensing.
- 10.2 To gain Cabinet support for the proposed fees and additional staffing resource and structure required to implement the selective licensing scheme.

### **Statutory Officer approval**

**Approved by:**  
**Date:**  
**On behalf of the Chief Financial Officer**

**Approved by:**  
**Date:**  
**On behalf of the Monitoring Officer**

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# Netherfield Selective Licensing Scheme Review & Phase 1a Proposal to declare a Selective Licensing Designation within the Private Rented Sector



Serving people Improving lives

**Gedling**  
Borough Council 

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## 1. Executive Summary

The introduction of selective licensing is a discretionary tool available to local authorities (introduced via the Housing Act 2004) which requires all private rented homes within a designated area to be licensed by the council. The council exercised these powers and designated its first ever selective licensing scheme covering all private rented homes in the Netherfield ward between 1<sup>st</sup> October 2018 and 30<sup>th</sup> September 2023.

This document seeks to review the information available to the council as a result of the Netherfield selective licensing scheme and as required by the Secretary of State's guidance seeks to set out whether the scheme has achieved its objectives.

The objectives of the scheme were:

- 1) To address poor housing conditions
- 2) To introduce a mechanism to address antisocial behaviour associated with private rented homes
- 3) To introduce a mechanism to address crime associated with private rented homes
- 4) To introduce a scheme that contributes to addressing deprivation
- 5) To see improvements in property management

The core objectives of the scheme were to address poor housing conditions and see improvements in property management. As detailed in the review 81% of properties inspected (414 homes) were found to require essential works under the housing health and safety rating system. 184 homes were improved as a direct result of the scheme with landlords, the council, tenants and contractors working together to achieve property improvements. 52 homes were identified to have imminent health and safety issues requiring urgent attention to address hazards to protect the health and safety of tenants. Without the scheme the majority of these tenants would have continued to live with these hazards which could have led to injuries in the home increasing the demands on NHS or Fire and Rescue Service colleagues.

The implementation of selective licensing in Netherfield introduced prescribed management requirements as set out in the licensing conditions and through the process of administering licence applications the council ensures the appropriate management arrangements are in place, the landlord or person(s) in control are deemed fit and proper and compliance with legal obligations are achieved. The scale of improvements in housing conditions would not have been possible without the introduction of the scheme.

The evidence available to the council shows the scheme has either made good progress towards or has fully achieved its objectives. The document sets out at the end a proposal to renew the scheme and designate a Netherfield Phase 1a selective licensing scheme subject to approval by the council's Cabinet and a public consultation.



## 2. Introduction

This document sets out the council's review of the Netherfield selective licensing scheme which required all private rented homes in the ward to apply for a licence from the council between 1<sup>st</sup> October 2018 to 30<sup>th</sup> September 2023.

The review has gathered information collated by the council and police since the scheme was introduced along with analysing publicly available data. The council data has been analysed and collated from the full 5 years of the scheme. The police data was collated and analysed from 4 full calendar years between 2019 and 2022 and does not cover 2018 or 2023 as only full calendar years when the scheme was in operation were analysed in preparation of this review.

The review seeks to consider and present this information and based on findings make proposals for the future of selective licensing in the Netherfield ward.

## 3. Background to Netherfield Selective Licensing Scheme

Gedling Borough Council introduced selective licensing into the Netherfield ward on 1<sup>st</sup> October 2018 following a public consultation and designation by the council's Cabinet on 8th March 2018.

The scheme required all private rented landlords in the ward to apply for a licence from the council. The scheme was introduced in accordance with the Secretary of States guidance to local authorities and the council was satisfied that the grounds for introducing a scheme were met. These were:

- Poor Housing Conditions
- High Levels of Antisocial Behaviour
- High Levels of Crime
- High Levels of Deprivation

The core aims of the scheme were to improve housing conditions and property management in the ward and this review also seeks to consider if wider improvements were achieved relating to antisocial behaviour, crime and deprivation as outlined in the scheme objectives in section 5.

## 4. Licence applications and enforcement process

A key principle of the Gedling Borough Council selective licensing scheme is its ambition to inspect properties after the landlord or agent has applied for a licence. The inspections are used to assess property management and to identify if there were any significant hazards in the home which would need to be addressed using separate powers under Part 1 of the Housing Act.

Working with landlords, agents and tenants the council to date has issued licences for 709 properties and has completed 514 property inspections. This figure is broadly in-line with the forecast 635 licensable properties anticipated prior to the scheme commencing. The council has made attempts to inspect all properties subject to a

licence application but in some cases access has not been forthcoming, should the council introduce a further scheme the uninspected properties from phase 1 would be prioritised.

The council's approach to enforcement is set out in the Public Protection Service Enforcement Policy Statement and the Private Sector Housing Enforcement Policy which are drafted in accordance with government guidance. In line with the council's enforcement policies officers seek to work with landlords and agents informally in the first instance to achieve compliance and therefore the levels of formal enforcement action associated with the scheme remain relatively low. Seeking improvements to homes using informal means such as advice or guidance verbally or via written means such as emails or letters is an effective approach and reduces the burden and costs incurred on landlords through the council's enforcement action and also makes effective use of the council's staffing resource. This means that property improvements can be achieved alongside inspections and administering licence applications.

The council also bases its enforcement action on risk and where significant risks are evident and if action is not forthcoming the council will seek to use more formal approaches. Linked solely to the Netherfield scheme the council has served 6 enforcement notices to achieve compliance including 3 improvement notices, 2 emergency prohibition orders, 1 prohibition order. The council has carried out works in default on 2 properties where the landlord has either not complied with the notice or urgent action was not forthcoming to address imminent hazards to the safety of the tenants or visitors to the properties. The council has also carried out a number of investigations into unlicensed properties and taken formal action via the issuing of civil penalty notices which we have found to be an effective tool to deal with these offences.

The council has promoted the selective licensing scheme with the support of local media, the council Contacts magazine delivered to every household in the borough and using its social media platforms. At the start of the scheme the council also wrote to any landlords and agents it became aware who might have properties requiring a licence to give them opportunity to apply. In the majority of cases this approach has been successful in achieving a high number of applications and the council has issued 709 licences ensuring compliance with the scheme. In a few cases licence applications were not received and the council has sought to take enforcement action. A number of cases are still ongoing but to date as an alternative to prosecution 9 civil penalties totalling £20,937 associated with 17 properties have been issued.

## 4.1 Impact of covid 19 pandemic

The global coronavirus pandemic has had some unfortunate impacts on the scheme when it arrived in the UK winter 2019/20. This was the biggest public health crisis in a generation and in order to protect public health the UK Government implemented a series of restrictions on the public and businesses to minimise the spread of the virus. This included a series of national and local 'lockdown' periods where the public were required to stay home the majority of the time unless working in certain sectors. In accordance with Government guidance and restrictions the selective licensing

home inspections were suspended in March 2020 and not resumed until restrictions were lifted. Initially in the early part of 2021 inspections were arranged on a voluntary basis where tenants were happy to accept inspections of their home and they did not resume fully until July 2021. This meant that for the best part of 15 months the progress on inspections slowed and a considerable backlog of inspections grew which had to be picked up after normal life resumed after the pandemic.

When designating the selective licensing scheme the council could not have foreseen the global pandemic emerging midway through the scheme nor could the council have anticipated the impact the pandemic would have on society. The aftermath of the pandemic has presented significant global economic challenges which have had an impact on public services, businesses and families. Since late 2021 a 'cost of living crisis' began to emerge in the UK as the price of goods and services rose resulting in an increase inflation. This is in addition to house prices for the rental and sales sector increasing significantly. Whilst the economic situation will have had a significant impact on deprivation, having a scheme in place does offer protection to tenants at a time when choices are being made about how private rented homes are managed, maintained and let to tenants.

## 5. Objectives of Netherfield Selective Licensing Scheme

### 5.1 Objective 1 – To address poor housing conditions

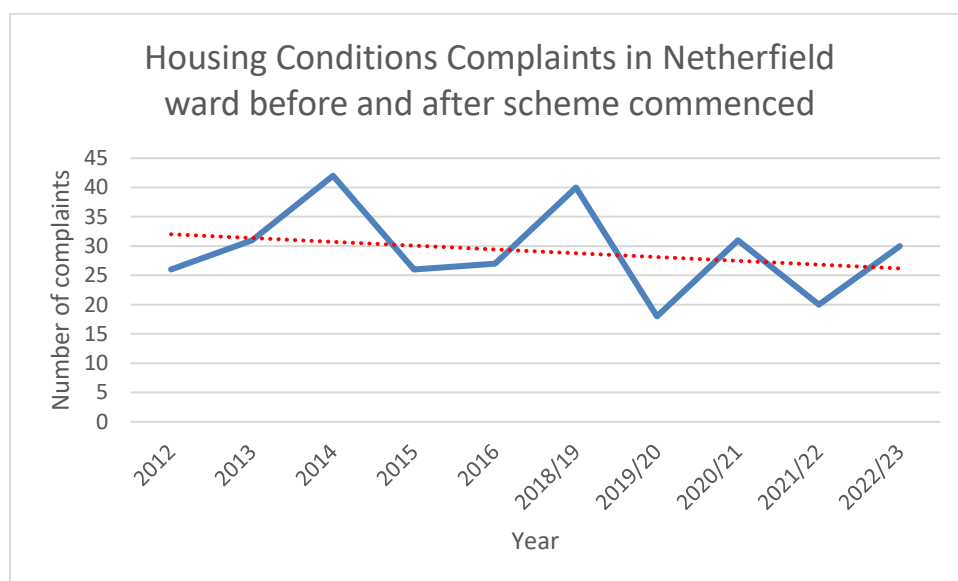
As set out in section 4 a key ambition linked to the Netherfield selective licensing scheme is the inspection of properties which is used to achieve compliance. As result of property inspections officers found that 81% of inspections identified (414 homes) as having hazards under the Housing Health and Safety Rating System (HHSRS) requiring essential works. These commonly related to damp and mould, excess cold and fire safety hazards. It must be stressed that these are hazards that tenants were living with that could potentially lead to harm. In the first instance the council would generally write to the landlord or agent outlining what hazards had been identified and requesting a proposal from them on what action they intend to take over a reasonable period of time. The council will then work with the landlord to monitor progress and ensure works are complete dependent on the severity of the risks that defects present.

Imminent issues that presented an immediate serious risk to health and safety of the occupiers or visitors were identified in 52 properties. In these cases if immediate action was not forthcoming these would have resulted in enforcement action due to the seriousness of the hazards. Most common imminent issues relate to fire safety hazards i.e inadequate smoke detection, inadequate means of escape in the event of a fire. Swift action has been required and some of the steps taken have included tenants sleeping in alternative rooms that do have a safe means of escape until works are completed, installation of fire detection, provision of fire escape windows and modifications to protected means of escape. The vast majority of these cases have been resolved with the co-operation of the landlord and agent to complete works. A small number as detailed previously have resulted in enforcement notices

and 2 cases resulted in the council completing the works in default and recovering the full costs from the landlord.

An indicator which is collated by officers following inspections is the number of homes that have had HHSRS hazards remediated. This is reported as a result of the council interventions and only includes homes where evidence of works completed have been received or witnessed by council officers. In Netherfield since the scheme started this figure stands at 184 which further supports the objective that the poor housing has been improved as a direct result of the scheme.

Another interesting metric the Council collates is the number of complaints received about the condition of rented housing in the ward. Analysis has been carried out of complaints in the 5 years before the scheme was introduced 2012-2016 and the 5 years since 2018/19 -2022/23. Graph 1 below illustrates the before and after comparison.



Graph 1. Housing Conditions complaints before and after scheme commenced.

Graph 1 shows a line graph illustrating the number of complaints for 5 years before the scheme was introduced and then 5 years during the selective licensing scheme period. The dotted red line is a trend line which shows a line of best fit illustrating the number of complaints are on a downward trajectory. When comparing the data used for graph 1 - the total number of complaints in the 5 years before the scheme and the 5 years after the scheme it shows that complaints have fallen by 8%. When comparing the peak year (2014) with the last full year (1<sup>st</sup> October 2022 to 30<sup>th</sup> September 2023) complaints have fallen by 29% from 42 down to 30 complaints in the year. This is a significant drop in the ward but is still higher than the other wards in the borough.

When comparing to other ward data, Netherfield remains the highest in terms of complaints about housing conditions. It is interesting to note that while numbers in 2021/22 fell in Netherfield, in the Newstead Abbey and Phoenix wards there was an increase in the number of housing conditions complaints received.

In terms of the objective 1 the evidence collated from the scheme confirms there is poor quality housing in the Netherfield ward that presents a hazard to the occupiers or visitors. Progress has been made to improve this poor housing but it still remains a cause for concern as even in the final year of the scheme significant hazards are being uncovered. Due to the nature and type of the housing stock in the ward there is evidence to suggest that properties require ongoing maintenance to comply with minimum legal standards which are getting increasingly tighter in terms of energy efficiency and the potential introduction of the decent homes standard for the private rented sector currently under consideration by Government.

Following the tragic death of Awaab Ishak the central government has produced updated damp and mould guidance for private rented properties and has tasked local authorities with taking a more proactive and robust approach to damp and mould. Selective licensing schemes are an effective tool to help achieve this and in turn help to safeguard more vulnerable residents of the borough from the risks of damp and mould.

## 5.2 Objective 2 – To introduce a mechanism to address antisocial behaviour associated with private rented homes

The introduction of selective licensing in Netherfield required all private rented homes to be licensed by the council. Each licence has standard conditions requiring landlords or agents to ensure that all reasonable and practicable steps are taken to prevent and respond to anti-social behaviour. These include written tenancy management arrangements to prevent or reduce anti-social behaviour by persons occupying or visiting the property. If complaints are received about antisocial behaviour the tenant must be written to and advised of the consequences if the behaviour continues.

Where the anti-social behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or his agent must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.

Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed.

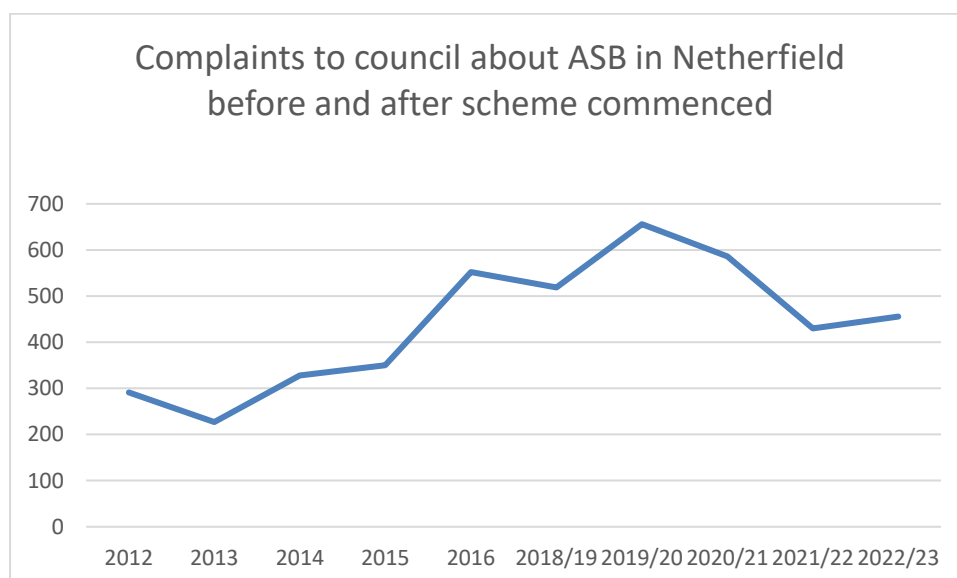
If after 14 days of giving a warning letter the tenant has failed adequately to address the anti-social behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).

If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police.

The council received feedback during previous selective licensing consultations that landlords cannot be held responsible for the behaviour of their tenants. Addressing ASB is often a complex process which requires the work of numerous different parties. Our dedicated ASB team work hard trying to address issues on a daily basis and more often than not successful interventions require the input of multiple stakeholders. The council believes that the landlord is a significant stakeholder in the process of addressing ASB within a privately rented property. The selective licensing conditions do not put all responsibility for dealing with ASB onto the licence holder, they purely require that the licence holder engages in the process of addressing any ASB that may be reported. These licence conditions are very extensive and introduce a robust mechanism to address antisocial behaviour which does not exist where a selective licensing scheme is not in operation.

The council and Police operate a fortnightly operations meeting where crime and antisocial behaviour priorities are discussed and can include planning for licensing inspections, sharing intelligence and opportunities for joint working to address antisocial behaviour. This partnership infrastructure is effective in identifying issues at an early stage and problem solving and is less effective in areas without selective licensing as much less information is available about property tenure and those in control. An example of partnership working to tackle antisocial behaviour is illustrated in the case study 4 in section 6 of this review.

Measuring levels of antisocial behaviour is relatively subjective and can vary according to perception. One metric which can provide an indicator is the number of complaints. Graph 2 below illustrates the number of complaints about antisocial behaviour in Netherfield before and after selective licensing was introduced.



Graph 2. ASB complaints to council before and after scheme commenced

Graph 2 shows that when comparing complaints in 5 years before the scheme and 5 years after it commenced there was overall a 44% increase in complaints. This trend is reflected across the borough as during 2019/20 and 2020/21 when the coronavirus pandemic emerged and more people were restricted to being at home the level of complaints about antisocial behaviour increased by 12% and 11% compared to prior to the pandemic.

Graph 2 also shows that when the selective licensing scheme was introduced complaints fell and then a peak emerged in 2019/20 co-inciding with the pandemic. Since the peak in 2019/20 complaints in Netherfield about ASB have begun to fall and by 2022/23 had reduced by 30%.

The number of complaints show that antisocial behaviour does continue to cause concerns in the ward and remains at a high level.

Nottinghamshire Police analysed data from 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2022 and found each year in Netherfield there were over 100 reports about antisocial behaviour in the ward and at total of 484 reports in the 4 year period.

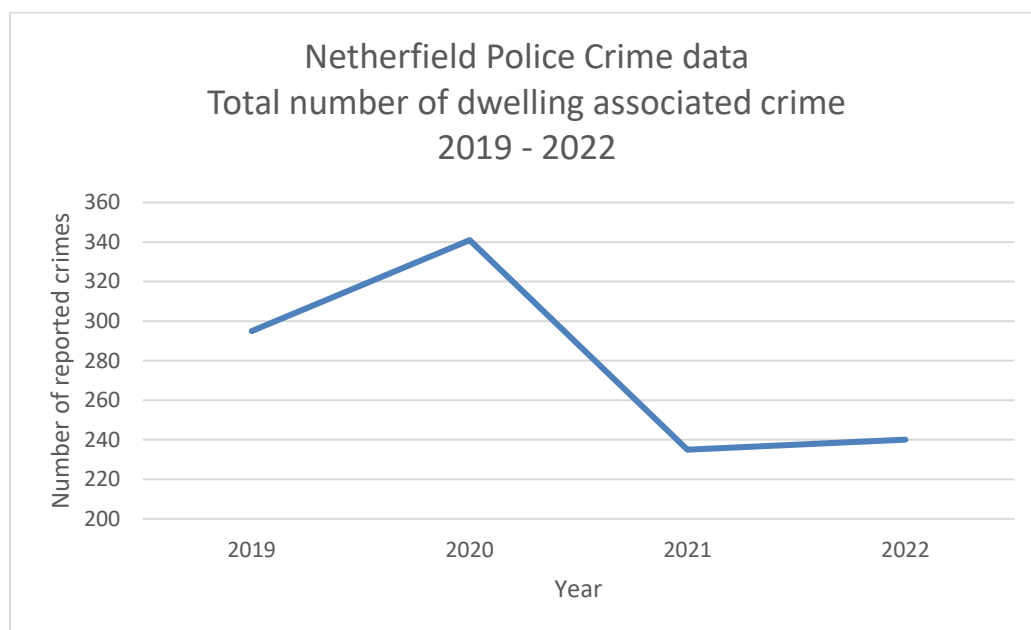
The selective licensing scheme has had some positive impact on antisocial behaviour due to some changes of tenancies since the selective licensing scheme came into force. The council is aware that some landlords have exited from the market in Netherfield and that new landlords and tenants have entered in the area. The levels of private rented housing in the ward remain high but the changes in tenancies are believed to have contributed to reductions in antisocial behaviour complaints. Furthermore tenants in licenced properties will now know that the landlord is required to take action to address their behaviour due to the licence conditions and that they could risk losing their tenancy if they continue to cause antisocial behaviour.

Research published by the British Medical Journal (BMJ) into the impact of selective licensing schemes in Greater London (Peterson et al, 2022) supports the impacts seen in Netherfield with changes in landlords and tenancies and reductions in the number of antisocial behaviour complaints. The author articulates the positive mental health and social impacts when selective licensing is introduced. The research shows that a change in landlords and tenants when selective licensing is introduced can lead to positive impacts in terms of addressing antisocial behaviour and improved mental health of residents who live in selective licensing areas.

The analysis of antisocial behaviour in the Netherfield ward shows that the scheme objective “to introduce a mechanism to address antisocial behaviour associated with private rented homes” has been achieved but despite this the levels of antisocial behaviour remain a concern. There have been reductions in antisocial behaviour since a peak in 2019/20 and implementation of selective licensing remains a unique mechanism that can help introduce a framework for private landlords and managing agents to work with partner agencies to address antisocial behaviour.

### 5.3 Objective 3 – To introduce a mechanism to address crime associated with private rented homes

In order to assess this objective the council liaised with Nottinghamshire Police who supplied analysis of the first 4 full calendar years of the scheme 2019 to 2022. The analysis provided information on dwelling crime associated with reports about crime reports linked to addresses in the Netherfield ward. The number of reports during the period is shown in graph 3 below.

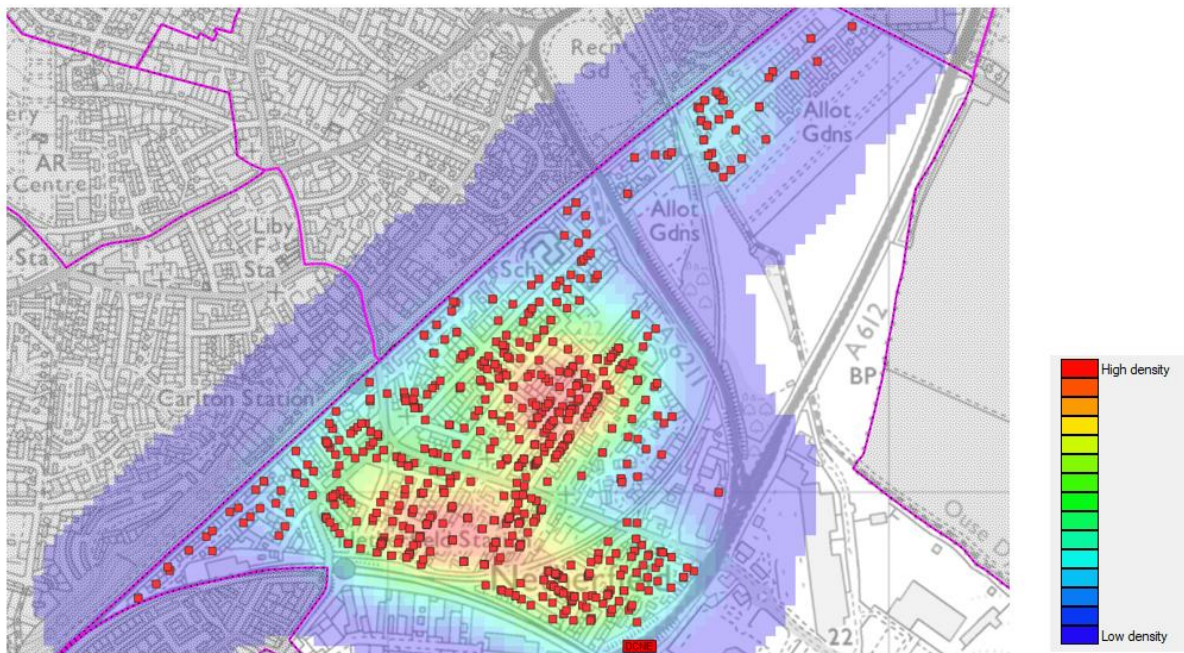


Graph 3. Dwelling associated crime reports 2019-2022

The above graph shows that crime reports in the Netherfield ward peaked in 2020 and then in the following 2 years fell by 30% and remained at a stable reduced level.



The crimes have been mapped below using the kernel density method.



Map 1. Crime Hotspot Map 2019 to 2022

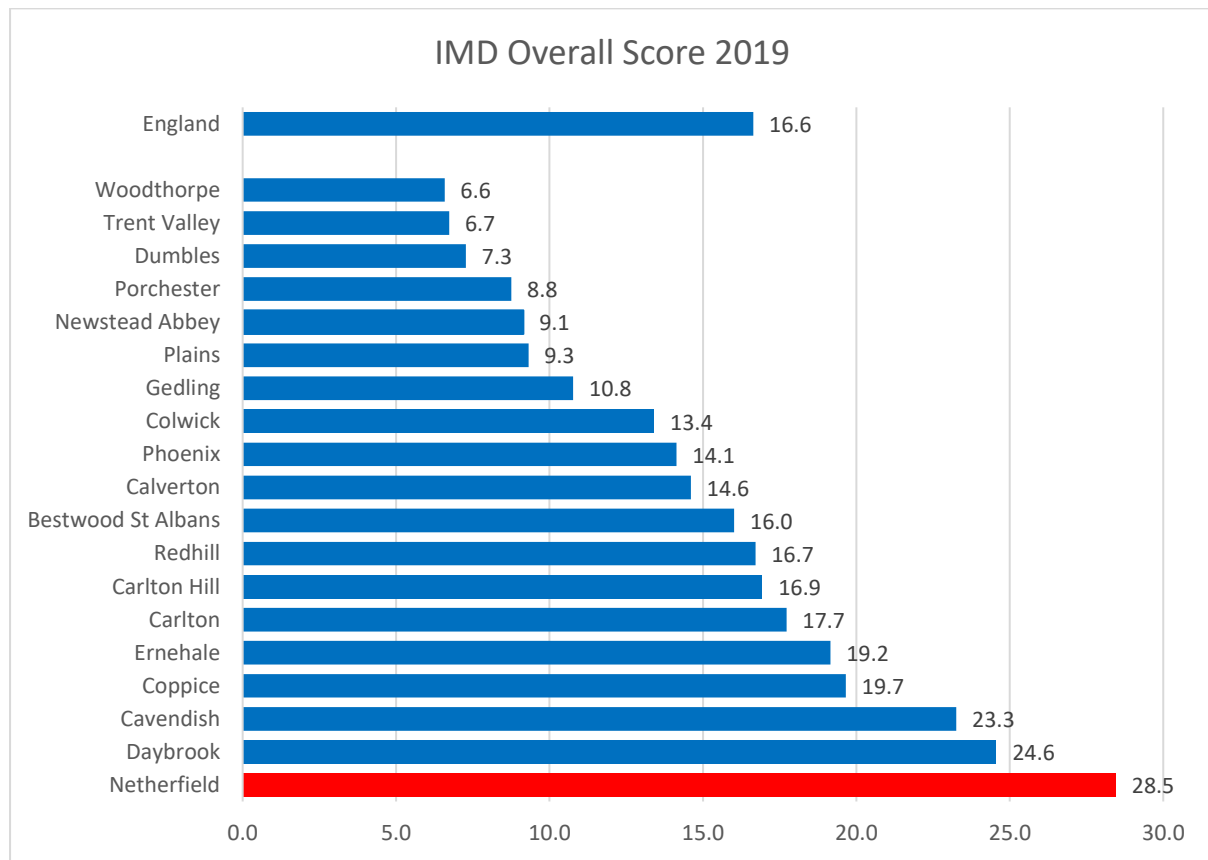
Map 1 above graphically illustrates the reports of crime in the Netherfield ward over a 4 year period and together when compared to the data shown in graph 3 illustrate that whilst crime has reduced during the 4 year period of the selective licensing scheme it remains at a high level and a cause for concern. Map 1 shows crime reports are spread throughout the ward and not isolated to one area or street and support an area based / ward wide approach to address criminal behaviour.

It is considered that introducing the selective licensing scheme has contributed to achieving this objective as the scheme provides dedicated officer resource and introduces licence consideration to enable the police, council officers, landlords, agents and tenants to work together to address crime associated with private rented homes. In absence of a selective licensing scheme effectiveness is greatly reduced.

### 5.4 Objective 4 – To introduce a scheme that contributes to addressing levels of deprivation

The Index of Multiple Deprivation (IMD) is compiled by the Government department Ministry of Housing, Communities and Local Government (MHCLG). MHCLG state that “it is important to note that these statistics are a measure of relative deprivation, not affluence, and to recognise that not everyone in a highly deprived area will themselves be deprived. Likewise, there will be some deprived people living in the least deprived areas”.

Graph 4 below shows the overall IMD score for Netherfield in comparison to England and the other wards in Gedling Borough.



Graph 4. Overall Index of Multiple Deprivation Gedling wards 2019

The above graph illustrates that Netherfield is the most deprived ward in Gedling Borough Council’s area and is more deprived than that national average. A further summary can be found in table 1 below showing Netherfield relative to Gedling Borough, Nottinghamshire and England

Indicators	Netherfield	Gedling(LTLA 2021)	Nottinghamshire(UTLA 2021)	England
Index of Multiple Deprivation (IMD) Score	28.5	14.9	19	21.7

Table 1, Overall Index of Multiple Deprivation 2019

Table 1 shows that Netherfield has a higher IMD score than Gedling, Nottinghamshire and England and therefore overall can be considered more deprived than those areas.

The IMD is generally compiled every 4 years with the most recent published data released in 2019. The next published data is unlikely to be available until late 2025. Due to the release of the most recent IMD it is too soon to draw conclusions on whether the IMD is improving in Netherfield.

In terms of whether the scheme has met the objective to “introduce a scheme that contributes to addressing levels of deprivation”, as this review shows the selective licensing scheme has introduced a unique mechanism to improve private rented

homes and issues associated with them. The selective licensing scheme has improved housing conditions in the Netherfield ward which in turn can help reduce fuel poverty through improved energy efficiency of homes and reduce health impacts through removing hazards in the home. Both of these metrics in terms of improving health and addressing fuel poverty contribute to reducing deprivation in the ward. At a time when the cost of living is extremely high it is more important than ever to ensure that properties are effectively managed and maintained to help protect some of the most deprived people in the borough.

Introducing a mechanism to address anti-social behaviour and crime can also have a positive impact on deprivation both in terms of acting as a deterrent to dissuade offenders from being drawn into criminal or antisocial behaviour affecting their social status. If convicted or subject to enforcement action associated with antisocial or criminal behaviour can affect an individual's ability to seek employment or secure housing which are fundamental in Maslow's hierarchy of needs and climbing the social gradient out of deprivation and poverty.

Additionally addressing antisocial behaviour, crime, and fear of crime can lead to positive community impacts in terms of improved mental wellbeing and less anxiety, depression or stress in the community as a direct result of antisocial behaviour or criminal behaviour. This in turn can improve wellbeing in the community and overall health outcomes which are a metric used to determine IMD scores. These concepts are supported by the Peterson, et al (2022) research into the '*Impact of selective licensing schemes for private rental housing on mental health and social outcomes in Greater London*'.

## 5.5 Objective 5 – To see improvements in property management

Selective Licensing is the most effective tool available to local authorities when it comes to regulating property management within the private rented sector. It brings together a number of clear conditions relating to good property management both legislative and supplementary and enables the council to take effective action should standards not be met. In issuing 709 licenses, the council has helped to ensure that private rented dwellings in the Netherfield ward are only operated and managed by fit and proper persons and that licence holders are bound by the licence conditions. The licensing process also gives opportunity to tenants to become more aware of minimum property management standards and what they should expect when renting a property.

As part of the scheme the council has carried out 514 property inspections. Of those properties inspected, 81% (414 homes) have required essential repairs under HHSRS. A significant number of properties were found to have hazards relating to "fire", usually there being no detection or no protected means of escape in the event of a fire. A significant risk to the safety of the tenants but something some landlords and agents were not aware of prior to our visits. In identifying the hazards and communicating the solution to landlords and agents, the scheme is also improving property management through raising awareness of key hazards.

In 2021 the council worked with Generation Rent on a private rented sector engagement project. As part of the project the researchers engaged with private rented tenants to survey their views as tenants. 65 tenants from Netherfield, Colwick, Killisick and Newstead Village responded to the survey. 49% of those surveyed dealt with damp or mould in their property, 43% had dealt with leaks or draughts and 33% have issues with their heating system. 69% of private renters were unaware that the local authority could help them with certain problems with their landlord, letting agent or home which is something the selective licensing scheme helps to address by requiring the landlord to apply for a licence and for the council to process the application and where necessary inspect the property.

The Generation Rent research project showed a significant proportion of local private rented sector tenants living in Netherfield were affected by poor housing conditions and 69% were unaware the local council could assist would suggest that in many instances there would under-reporting of hazards and that tenant would accept lower standards in private rented homes. These points highlight the benefit of introducing a selective licensing scheme providing additional resource to regulate private rented homes and identify hazards with less requirement of tenants to report matters to the council.

In terms of meeting the objective the introduction of selective licensing in Netherfield introduces minimum standards set out in the licensing conditions and through the process of administering licence applications the council ensures the appropriate management arrangements are in place, the landlord or person(s) in control are deemed fit and proper and compliance with legal obligations are achieved. Where standards fall short the council has brought issues of non-compliance to the attention of duty holders. 52 properties were found to have imminent issues requiring urgent attention and 184 homes were improved as direct result of the scheme and the council working with duty holders to bring about improvements. This scale of improvements in housing conditions would not have been possible without the introduction of the scheme. Furthermore the wider impacts on crime, ASB would also not have been possible without the scheme. Whilst it is fair to say issues will still arise in the ward and have not been completely eradicated the systems and infrastructure in place to address poor property management in the private rented sector are significantly improved by having a selective licensing scheme in place and it is considered that this objective has been achieved.

## 6. Case Studies

The following section outlines a small number of case studies describing situations that have emerged since the selective licensing scheme was introduced in Netherfield and the action that has arose as a result.

### Case Study 1 - Fire Safety Enforcement Case study

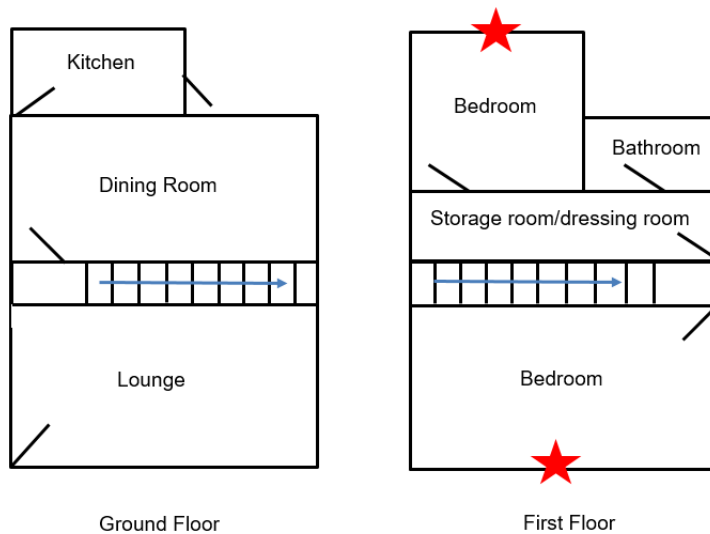
Officers from the council's selective licensing team carried and inspection of a mid-terraced property in Netherfield. They found the stairs to first floor were accessed

from a lobby between dining room and lounge. There was no door between lounge and ground floor hallway/stairs.

Officers also found an inner room on second floor (rear) being used as a bedroom. There was no escape window and no protected means of escape in the event of a fire. In the front bedroom officers found a top opening window which was not suitable as a means of escape in the event of a fire.

There was no protected route in the event of a fire from both bedrooms on the first floor. Increasing the risk of fire within property officers found over loading of sockets and use of plug-in electrical heaters.

Please see plan illustrating the property layout.



#### Defects giving rise to hazard:

- No escape windows provided on the first floor
- Stairs from first floor came down into the dining room (see plan)
- Therefore no protected means of escape from the first floor in the event of a fire
- Inner room being used as a bedroom on the first floor (rear) – no escape window and therefore no means of escape in the event of a fire.
- Inadequate fire detection provision

#### Outcome:

The risk to the tenants was assessed under the 'Fire' hazard and deemed as high/imminent risk following the inspection. The proposed licence holder of the property was contacted and given opportunity to take steps to remove the imminent risk informally. The licence holder did not take such steps so the 1<sup>st</sup> floor bedrooms were prohibited for sleeping purposes until works were carried out to remove the imminent risk.

Escape windows were provided to both bedrooms (marked with a star on the plan) and a solid door was fitted between the lounge and stairs. An additional smoke

detector was provided to the 'storage room/dressing room' to protect the occupant of the inner room on the first floor rear.

## Case Study 2 – Addressing excess cold hazard for low income tenant with health conditions

During a routine selective licensing inspection of a property in Netherfield it was established that the seals had failed on a number of the windows resulting in significant draughts. The front external door was ill-fitted and the occupant had placed duct tape around the door and letter box to help prevent draughts, noise and heat loss from the property. Following an Energy Performance Certificate (EPC) check of the property prior to the inspection it was also established there was no loft insulation in the main roof space.

During a conversation with the tenant the officer became aware that the occupant had a number of health conditions which were exacerbated by the poor thermal efficiency within the property and met the criteria for our Warm Homes on Prescription grant the council offers.

With the landlord's permission the council were able to carry out energy improvements measures to the property under the Warm Homes on Prescription grant by providing new UPVC double glazed fire escape windows to the first floor, a new UPVC front door and loft insulation to the main roof space. Not only did this improve the energy efficiency of the property, the occupant now has a safe means of escape in the event of a fire which they previously didn't have. The occupant also mentioned that the measures had also improved the noise levels from outside traffic.

Without the scheme we would not have been aware of the potential fire risk to the occupant, nor would the occupant have benefited from our Warm Homes on Prescription Grant.

## Case Study 3 – safeguarding tenant to access mental health support

This particular property came to the council's attention shortly after the licensing scheme came into operation following a call from a concerned mother regarding the condition of her son's property. Following some pre-checks before attending, the selective licensing officer became aware that the property was also not licenced.

During an inspection it soon became clear that this was going to be a complex case, the occupant was a hoarder and also had a range of mental health issues. It was acknowledged that the occupant had not been forthcoming when engaging with the agent and allowing access in the past.

A schedule of works was sent to the managing agent who were also advised they would need to apply for a selective licence.

The communication between the occupant and managing agent had started to breakdown drastically and were unable to gain access to carry out the repairs. The

occupant sent the council a number of concerning emails informing that he wanted to end his own life, with this information the selective licensing officer raised concerns with our safeguarding team and made a referral to our complex needs panel. The officer signposted the occupant to a number of mental health services and provided some leaflets, contact numbers and websites for additional support.

Through this intervention the council was able to offer advice and support to a vulnerable tenant in need and raise safeguarding concerns with the relevant departments. Our intervention also increased the tenant's awareness of what services were available to help them in the future and brought about an application to licence the property.

The occupant is now receiving the mental health support he needs and we are currently working with both the occupant and the agent to carry out the repairs required.

## Case Study 4 – working to address antisocial behaviour and unlicensed property

Information was passed onto the council from the Police regarding a report from the community of antisocial behaviour / neighbour issues including damage to a communal gate, loud music and parties. The council also received a complaint regarding noise relating to the same property.

The customer was sent diary sheets to complete and the council's database was checked. The property had been licenced previously but had now been sold and the new owner had not applied for a selective licence.

A letter was sent to the new owner to advise them about selective licensing and how to apply. No response was received in relation to this letter. Officers from the selective licensing team visited the property, there was no reply so a calling card was left. The tenant at the property called and a suitable time was arranged to revisit the property.

The council gained access to the property with the agreement of the tenant to gather evidence for an investigation into failing to apply for a licence. A witness statement was taken from the tenant along with further evidence. The tenant spoke with officer regarding the antisocial behaviour / noise issue and suggested that the neighbours had a vendetta against her. Selective licensing officers encouraged the tenant to engage with the council regarding this matter and explained that licensing conditions should apply to the property to minimise antisocial behaviour and she could face further action from her landlord if found to be causing antisocial behaviour. The tenant asked if someone from the council's Community Protection team could call her to discuss the complaint.

The council wrote to the owner and the managing agent inviting them in to attend an interview. The owner of the property did not attend an interview but submitted a voluntary statement. Within the statement the owner confirmed there was a

managing agent involved, that the property had been rented out and accepted that the property should have been licenced.

During this process a selective licensing application was submitted for this property by the managing agent. Enforcement action was taken against the owner and the managing agent and both were given civil penalty notice fines which were subsequently paid.

The tenant co-operated with the council's noise investigation and the council's Anti-social Behaviour Co-ordinator regarding the reports from the community. The complainant reported that the situation improved and that the landlord was evicting the offender.

## 7. Scheme costs and administration

Landlords were initially charged £490 if accredited and £640 if not accredited if they joined the scheme before November 2022. After this period due to increasing costs incurred by the council the licence fees were set at £585 for accredited landlords and £700 for non-accredited. With 709 licences issued the scheme income was circa £430,000. The income was used to cover the costs associated with administering the scheme over the 5 year period and for providing support to landlords and tenants and it was not used for any other purpose.

The council recruited a dedicated team including; Housing Improvement Officers, a Senior Environmental Health Officer to supervise the scheme, and an Admin Support officer. Officers were supplied with IT hardware, smart phones, and other necessary equipment to be able to work in the field effectively and safely. The council also invested in an IT system to be able accept digital licensing applications, submit supporting documents, and make licence fee payments online.

## 8. Benefits of Selective Licensing

The selective licensing has either fully achieved or made good progress in achieving the objectives as set out in this review. The following summarises some of the benefits the scheme has delivered.

- **New proactive approach** including independent checks by officers trained in property inspections, Housing Health and Safety Rating Scheme, selective licensing and the Housing Act. Selective licensing has given officers the opportunity to proactively engage with landlords, agents and tenants and address issues without the need for complaints to drive a reactive response. This has allowed issues to be addressed before reaching a crisis and requiring enforcement action and compliments new central government agendas such as the newly released damp and mould guidance.
- **Housing standards have improved** the information provided in section 5.1 illustrates the incremental improvements that have been achieved in housing conditions these would not have been addressed were it not for the scheme



as generally issues are identified by property inspections rather than complaints from tenants.

- **Protects public health** – the scheme has directly addressed 52 properties with imminent issues presenting a risk to the health and safety of the occupants and directly led to the improvement of 184 properties with 414 properties identified having essential remedial works required. All of these hazard identification and remediation are to address defects which can directly affect health and when addressed on an area basis contribute to improving public health.
- **Relatively low cost across 5 years of scheme.** Split evenly across the 5 years of the scheme the cost of a licence equates to £2.25 per week for accredited landlords and £2.69 per week for non accredited landlords and is considered good value given the wider social and environmental benefits that the scheme achieves.
- **Only scheme that requires landlord to apply for a licence** from the council and have a greater uptake than voluntary accreditation schemes which generally attract professional landlords seeking to develop their knowledge and competency.
- **Better relationship with support agencies.** The relationship with the Police and Public Protection Service (where the selective licensing team is based) and other agencies working in the selective licensing areas is much stronger. There is increasing understanding of the scheme and the benefits it can achieve through better partnership working.
- **Incoming landlords** – a number of landlords who did not want to work with the council or apply by the licensing conditions sold their homes. The majority of these were purchased by landlords who take on a different view of what is expected of them and the properties were not lost from the private rented sector.

## 9. Supporting Testimonials

### Testimonial 1, Gedling Borough Council

Tackling crime and antisocial behaviour are key priorities for the council and the Netherfield ward is a priority area for the council and police to focus resources to bring about improvements. The selective licensing scheme brings in powers for housing staff but also my community safety and environmental protection teams who can use the licence conditions as levers to ensure residents behave responsibly and do not impact their neighbours or the community.

Since the selective licensing scheme has been in place in Netherfield the council has had greater powers to tackle ASB associated with private rented homes and is showing a positive impact. Having a selective licensing scheme in Netherfield for a further 5 years would enable officers to continue to work closely and jointly with the police to address crime and antisocial behaviour associated with private rented properties.

Community Protection Manager, Gedling Borough Council

## Testimonial 2, Nottinghamshire Police

Since the introduction of the selective licensing scheme in Netherfield we have seen an improvement in the council and Police ability to work jointly to address crime and antisocial behaviour associated with the private rented sector. As a result of the selective licensing scheme the council has dedicated staffing resource that attend our fortnightly partnership meetings and contribute to sharing intelligence and joint working in Netherfield.

The introduction of fit and proper landlord licensing assessments and licence conditions to address antisocial behaviour are helpful mechanisms to tackle crime and antisocial behaviour.

The data that Police analysts have collated relating to property related crime in Netherfield since the selective licensing scheme was introduced shows that in recent years crime and antisocial behaviour are beginning to fall and demonstrates the partnership working and initiatives such as Safer Streets and Selective Licensing are having a positive impact.

Nottinghamshire Police support the renewal of selective licensing in Netherfield to continue the good work to improve the community and ensure mechanisms and infrastructure are in place to tackle crime and antisocial behaviour associated with the private rented sector when incidents occur.

Police Inspector, Nottinghamshire Police

### 10.0 How does Selective Licensing Support the Council's Strategy?

This section demonstrates how the proposed selective licensing designation is consistent with the overall housing and homelessness strategy for the district and will form part of a wider strategic framework for improving housing across Netherfield.

The council is currently reviewing and drafting a new Housing Strategy as the previous document has not been updated for a number of years. The introduction and delivery of selective licensing in Netherfield is key to the council's Housing Strategy to tackle and improve the quality of homes within the district and create a balanced housing market to support social and economic improvements.

Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvements and promoting economic growth. The council believe that selective licensing has an important role to play and offers valuable support to existing initiatives to tackle empty homes, prevent homelessness, create sustainable, high quality neighbourhoods and reduce anti-social behaviour.

Between 2012 and 2023, the council has employed a dedicated Localities Co-ordinator to support the Netherfield community. This role has been redefined recently

but continues to co-ordinate the Netherfield Steering Group which brings together partner organisations to improve the ward for residents and businesses. The group regularly meet to discuss issues in the ward and identify priorities for action. Throughout the phase 1 selective licensing scheme officers have periodically updated the Netherfield steering group on progress and the selective licensing scheme and have had opportunity to question officers on progress and the outcomes achieved during the scheme which has been well received.

In terms of the corporate priorities these are set out in Gedling Plan 2023-2027. The council has 4 key priority themes and 2 of these are “Community”, and “Place” and have links to selective licensing objectives described in this review.

The “Community” priority seeks to ‘enable a resilient, empowered, connected, inclusive and healthy community’ with objectives to address and support ‘poverty and the vulnerable’, ‘children and young people’, and ‘health and wellbeing’.

The “Place” priority seeks to ‘enable a safe, attractive, clean and culturally vibrant borough that plays its part to tackle the climate emergency’ with objectives to “reduce crime and fear of crime so residents feel safe and protected in their neighbourhoods” and to ensure “individuals and families can access high quality affordable and energy efficient housing”.

The council believes the introduction of a Phase 1a selective licensing scheme will make a significant positive contribution to these corporate priorities.

In addition to the strategic policy links the council also strategically uses other partnership approaches to improve housing and address crime and antisocial behaviour in the area.

The council has a circa £1million per year of capital funding available to provide Disabled Facilities Grants to eligible residents to adapt their homes to enable them to remain living independently in the community. These grants are made available to residents in the ward subject to a needs assessment.

Since 2021 the council has implemented two phases of home retrofit energy efficiency schemes using Government funding following successful funding bids via Midlands Net Zero Hub. The first scheme was known as the Local Authority Delivery Phase 2 in which the council received £784,800 funding to provide grant assistance to low income low energy performance certificate (EPC) households living in the Netherfield ward. This scheme was available cross tenure to owner occupiers and social and private rented tenants. Landlords of rented homes were required to contribute one third of the cost of the measures up to a maximum of £5,000 and would receive grant funding to cover two thirds of the cost of the measures. Measures would be identified via a building fabric first approach as identified via the retrofit assessment and could include insulation, clean heating and solar panels.

The second household retrofit scheme was known as the Sustainable Warmth Competition where the council received £891,000 which again was available for low income, low EPC households and part of this funding was available to homes heated by gas and also part available to homes not heated by gas (off gas). This scheme was targeted again in the Netherfield ward and also elsewhere in the borough.

For both household retrofit schemes door to door visits were carried out to generate referrals together with targeted mailshots to a large proportion of homes in the Netherfield ward. Customer would then be assessed for eligibility and arrangements made to survey the property to identify energy efficiency improvements. Across both schemes a total of 116 homes with an EPC D or below were improved via the scheme, the vast majority of which were based in Netherfield. Sadly not a single private rented property followed the referral and technical survey process through to the installation and completion of works. This was a missed opportunity for landlords to access energy efficiency improvements in their properties with up to 2 thirds of the cost of the works available via the grant scheme. This shows that even when grant funding is available that there was a lack of engagement to invest in the properties and upgrade the energy efficiency for low-income tenants. The lack of uptake from private landlords in the ward to utilise the grant funding mechanisms emphasises the need for a regulatory approach to stimulate a change in behaviour and bring about investment into properties to improve minimum energy efficiency standards.

The council and community safety partners have brought about further investment in the Netherfield ward via the Safer Streets initiatives which are now entering their 5<sup>th</sup> phase of grant funded interventions. The schemes are delivered in partnership with the Nottinghamshire Police and Crime Commissioner and Nottinghamshire Police force and are targeted at priority areas which in Gedling Borough Council's area are the Netherfield and Colwick wards. This initiative is described further in section 10.2 below.

## 10.1 Private Rented Sector

The Council have long held the view that a positive relationship with the private rented sector is of mutual benefit to both parties and residents of the district. Through programmes to tackle empty homes, prevent homelessness, address issues of low demand and improve housing standards the Council have worked with the privately rented sector to strengthen this partnership and deliver effective solutions.

To achieve this aim the Council supports the South Nottinghamshire Private Landlords Forum that meet periodically to discuss issues of particular relevance to the sector and the Council see this partnership as an important strand of the housing strategy that contributes to improving property standards and management practices across the sector.

## 10.2 Anti-Social Behaviour and Crime

Selective Licensing supports the strategic aims of the Community Safety Partnership to reduce crime and disorder. Selective licensing works in partnership with the anti-social behaviour team, the police, and landlords to encourage and assist landlords and agents to deal with issues of ASB and crime.

The licence conditions require landlords to meet the “fit and proper person” criteria. This combined with the other selective licensing conditions should help to professionalise landlords within the designation area, and therefore improve housing standards and landlord compliance.

The conditions require a landlord to obtain references for any tenant before starting a new tenancy and to take action against any tenants that they have been informed are involved in anti-social behaviour, and where this is also believed to be criminal activity; are required to report it to the appropriate authorities. These conditions combined should help to reduce levels of crime and ASB within the private rented sector of Netherfield.

As mentioned in section 10.0 the Safer Streets community safety initiatives have been successfully implemented in Netherfield and Colwick. According to the South Nottinghamshire Community Safety partnership report into the Safer Streets 4 scheme there are 9 CCTV cameras in the Netherfield and Colwick wards and there is a large footfall in the ward with people seen accessing areas on foot. There is a quick access route that joins the Netherfield and Colwick. Reports are made regularly regarding ASB, such as youths gathering, drug dealing, graffiti, dog fouling, littering and fly tipping. Operation Reacher (dedicated Notts Policing Team) have been working in the area over the past few years and a number of properties have been raided due to residents' intel being shared. This has had a positive impact in the area.

In the Colwick and Netherfield the Neighbourhood Plans have identified that improvements are required to make people safe to walk in the area.

Using crime data Nottinghamshire Police have identified the top ten residential locations/streets in the Netherfield ward for burglary and have offered target hardening deterred and security measures

The resident survey undertaken as part of safer streets identifies that 1 in 5 surveyed rank 'Drug Use and Dealing Drugs' is a top ranking issue that people want the Partnership to tackle in the project. Local intelligence identifies that there are numerous individuals who are drug and alcohol addicts who rob and assault each other. The Partnership is working to address these individuals and the root cause of crimes by diverting these individuals into treatment is helping to reduce crime.

The Safer Streets scheme identify priorities for investment using intelligence available to the Police and Crime Commissioner who has prioritised areas and interventions such as additional: CCTV cameras, ANPR cameras, street lighting, shop watch radios, youth intervention, environmental improvements and warden patrols. The evaluation of the Safer Streets 4 scheme found that despite the investment ASB increased by 25% but that burglary decreased by 57% and vehicle crime decreased by 67%

During September 2023, researchers commissioned by the Community Safety Partnership conducted 163 interviews with residents in target areas, set out by the Office of the Police and Crime Commissioner, in Netherfield and Colwick

- Almost all respondents say they feel safe when out during the day in their local area (94%)
- 48% say they feel unsafe when out in their local area after dark
- Most feel safe in their home during the day (99%) and during the night (91%)
- The majority of respondents who use public transport felt safe during the day (88%); half (52%) felt unsafe after dark
- Over half strongly agree they feel unsafe due to being followed or believing they're being followed (55%), when encountering people in close proximity when walking alone (55%)
- 25% are aware their area has benefitted from Safer Streets Projects
- All recipients feel Target Hardening is a good use of resources; 92% say it makes them feel safer in their local area
- 100% felt satisfied with the improvements made to their home security, 54% say it made them more safe
- 79% feel the addition of CCTV and ANPR cameras is a good use of resources; 75% say it makes them feel safer
- 59% say funded youth work sessions are a good use of resources; 41% say this made them feel safer
- 90% feel that funded wardens providing additional warden patrols is a good use of resources; 75% say this project made them feel safer
- 60% believe that the funding of a new Shopwatch App is a good use of resources; 42% say this initiative made them feel safer
- 89% say the improvements to the Cinder path are a good use of resources; 73% say the improvements made them feel safer

- 80% say the improvements to car parks are a good use of resources; 66% say the improvements made them feel safer
- 29% say crime levels have reduced in the past 12 months; 11% feel they have increased. 35% have seen no change.
- 20% have heard information on personal safety in the last 6 months, mainly through newspapers and news websites (53%).

### 10.3 Housing Conditions

The designation of the selective licensing area will lead to a more collaborative approach to dealing with housing condition matters that might otherwise not have been the case. If the Council receives a housing condition complaint in respect of a property from the selective licensing area, the property is inspected under the terms of the selective licensing scheme (if it has not already been the subject of such an inspection). The support that the Council can offer to the landlord under the selective licensing scheme fosters more of a partnership approach than going through the traditional enforcement route, which is more formal in nature.

The designation of the selective licensing area the council will require formal enforcement action in a comparatively small number of cases. A collaborative approach developed through the selective licensing designation will enable council officers to work informally with landlords to ensure that, in most cases, any outstanding repairs are completed.

### 11.0 Option Appraisal

The option appraisal below looks at other powers and projects that are available to the council with the reasons why they could not replace the proposed selective licensing designation in the proposed areas.

#### 11.1 Accreditation

Accreditation was first introduced in the 1990's mainly in university towns as a mechanism for helping landlords or agents to meet agreed standards of competence, skills and knowledge about the business of owning, managing or letting a private rented home.

Accreditation is supported nationwide by a wide range of stakeholders, including the Government, landlord associations, and local authorities, Shelter, the National Union of Students and the Chartered Institute of Environmental Health. It can aid the supply of good-quality, well-managed homes. Nationally landlord accreditation is available

through the National Landlords Association or the Residential Landlords Association (RLA) who charge landlords to join their schemes.

Locally Gedling Borough landlord accreditation is provided via DASH Services (formerly East Midlands Landlord Accreditation Service) based at Derby City Council. After the implementation of the Netherfield selective licensing scheme there was a increase in landlords seeking accredited partly driven by licence fee discounts and also due to DASH initially providing free accreditation for landlords of properties in Gedling Borough Councils area. The proposal to designate a further phase 1a selective licensing scheme in the Netherfield the ward will incentivise landlords to become accredited by offering a discount on licence fees and proposed licence conditions requiring landlords to attend training will maximise the impact of landlord accreditation.

### 11.2 Enforcement of Housing Standards

The Housing Act 2004 introduced the Housing Health and Safety Rating Scheme (HHSRS) which allows local authorities to inspect privately rented properties to ensure the condition of that property does not have an adverse effect on the health, safety or welfare of tenants or visitors to that property. Where necessary the Council will serve statutory enforcement notices to ensure the condition is improved.

Prior to the introduction of selective licensing the number of property inspections were in the main based upon a reactive service; a service request will be made to the local authority who will then undertake a HHSRS inspection to determine whether action needs to be taken. Whilst this approach does improve property conditions it is sporadic across the district and does not have a concentrated impact in one area. In addition this power does not tackle property management standards. Through the selective licensing designation (and beyond) landlords are welcome to attend the landlord forum meetings which cover all aspects of property management including property condition. Through training, advice and support landlords will recognise what improvements need to be made to their properties reducing the need for action under the HHSRS.

In addition the council will continue to undertake proactive property inspections in the designation area, offering advice and where necessary taking enforcement action to improve property conditions across the designation area. Improved property conditions will assist in retaining tenants and attracting occupants to the area assisting in tackling low demand.

### 11.3 Management Orders

Part 4 of the Housing Act 2004 introduced the use of Management Orders but these orders should not be used if other enforcement options will remedy the problem. The



general effect of a Management Order is that the Council takes control of the property, although legal ownership does not transfer from the landlord. There are two forms of Management Order, interim and final. Interim lasts for a period of 12 months which can then be followed by a final Management Order which lasts for a maximum of 5 years.

Once a Management Order is in place the Council takes over the management of the property. The occupiers pay their rent to the Council and any repair costs such as routine repairs or building insurance are taken from the rent before any surplus is given to the owner (landlord).

This power only deals with individual properties and is resource intensive especially as the Council no longer has any stock of its own. In some cases, even retention of the full rental income may not be adequate to properly maintain and manage the property, in which case, additional costs would end up being borne by the Council tax payer.

This approach does not present a long-term solution to address poor management of privately rented stock as the property is returned to the original owner who may not necessarily have improved their management standards in the interim.

#### 11.4 A Private Sector Leasing Scheme

A Private Sector Leasing Scheme is where the Council takes out a lease, normally 3 to 5 years in duration, from a private owner or landlord on their property. The Council then uses the property to provide affordable accommodation for homeless families.

There is no guarantee that landlords, especially the worst, will join the scheme and the Council cannot compel them to do so. As with Management Orders the scheme does not address poor management practices as the landlord does not gain experience, advice or training during the lease meaning that once handed back management standards will once again be unsatisfactory.

#### 11.5 Raising Landlord Awareness

Landlord forums are run annually and open to landlords within the area. Through this there is the option of providing landlords with information on how to conduct a tenancy appropriately; the requirements of themselves as landlords; and the options of vetting any prospective tenants in order to reduce the intake of problem tenants within the area.

The problem with raising awareness alone is that there is no obligation for the landlords to listen to the information being presented to them, or to address tenant behaviour and obtain references.

## 11.6 Summary of Options

In summary the alternative options to selective licensing would require partial or full funding from the council, which is ultimately paid for by all tax payers. Selective licensing will continue to be entirely self-financing, paid for by the licence applicants and not the community. This is an approach which the majority of residents agree with as many of the problems within the area are caused by irresponsible property management practices.

The alternative options do not compel a landlord to address tenant behaviour or ensure landlords seek references when allocating their properties. Existing selective licensing schemes elsewhere in the country have proven successful in tackling anti-social behaviour and ensuring problem tenants do not move within the designation area. Landlords will be able to continue to access advice and support from the council to deal with problematic tenant behaviour. The alternative options do not provide a long-term solution to the training of inexperienced landlords whose business and subsequently the community would benefit from improved management practices. The alternative options are not area based and can only tackle a small number of properties. Selective licensing tackles all privately rented properties in the proposed designation area. To improve the conditions, standards of management and reputation of the private rented properties in the designation area a collective approach is required; dealing with a small number of private rented properties will not assist in improving conditions.

The other options of accreditation, the enforcement of property standards and management orders will be used not as an alternative to selective licensing but as support tools as part of an integrated programme of measures to improve the social and economic conditions of the area. It is thought that in providing the incentive of a lowered licence fee for accredited landlords there will be an increased uptake of accreditation. The idea behind the reduced fee is to incentivise the uptake of accreditation.

Whilst there is always the risk with selective licensing, that landlords may illegally evict tenants, leave the area or try to avoid licensing; through robust monitoring procedures the team will find all privately rented properties and any reports of illegal evictions are investigated immediately and where required sanctions are taken against that landlord.

## 12.0 Why do we need a Selective Licensing Scheme?

Whilst landlords have engaged with the council, monitoring of management practices does continue to show that some landlords will “cut corners”. This is often in relation to tenant references and their standards of property management. Landlords are under increased pressure with changes to the benefit system and continual updates

to the legislation there remains the risk that some managers will revert to irresponsible management practices without the sanction of licensing.

The council's private landlords forum, emailed newsletters and regular contact with landlords all indicate the proactive approach the council has developed to engage with landlords to work with them to develop and improve their management practices. Responsible landlords continue to ask officers to deal with un-reputable landlords and selective licensing is an effective way of dealing with this issue directly.

This proposal has also highlighted the strategic priorities and mechanisms used to improve the area. Selective licensing ensures poorly managed properties do not undermine this work and dissuade people from moving into the area. Through a balanced, stable housing market the areas have an opportunity to realise potential as a neighbourhood of choice that offers a range of property types and tenures to meet current and future housing demand. Selective licensing will make a valuable contribution to achieving this potential.

## 13. Conclusion

The evidence collated and presented in this review shows a number of the scheme objectives have been met and the early signs are that the scheme is having a positive impact and showing improvements in housing conditions, property management and the area is showing some improvements in the wider behavioural aspects of antisocial behaviour and crime. It is fair to say that not all these improvements are solely attributable to introducing selective licensing as these are complex interrelated social and housing related matters, but it is true that positive steps are being made to bring about small incremental improvements on an area basis. In the current regulatory system and economic climate there is no other solution available to the Council that could achieve such improvements to Netherfield that selective licensing helps to deliver.

## 14. Recommendations and Proposal

As set out in this review there is evidence to show the Netherfield selective licensing scheme has met or is making good progress towards meeting the scheme objectives as set out in section 5 of the review. According to the Secretary of State's guidance where renewal of a selective licensing scheme requires approval by the Secretary of State it must show whether the scheme objectives have been met or not. There is no guidance to advise what standards are required where the renewal of a scheme does not require Secretary of State approval but it is assumed for the purpose of this review the same format should apply. Therefore this review has set out the evidence in section 5 showing how the scheme has contributed towards achieving its objectives.

The last census in 2021 showed there were 8191 private rented properties in Gedling Borough. It is assumed that 700 properties in the Netherfield ward are

private rented and combined with the estimated 663 in the existing Phase 2 selective licensing scheme equates to 16% of the private rented sector in Gedling Borough. These schemes also cover less than 20% of the council's area. Therefore to renew or designate a new selective licensing scheme in the Netherfield ward would not require approval by the Secretary of State.

The data set out in section 5 and elsewhere in this review also shows the following Secretary of States criteria for introducing a selective licensing scheme remain in the Netherfield ward:

- I. a significant and persistent problem caused by anti-social behaviour
- II. poor property conditions
- III. high levels of deprivation
- IV. high levels of crime

In order to maintain the positive impacts and improvements the selective licensing scheme is showing it is recommended that a new selective licensing scheme covering the Netherfield ward is designated subject to a public consultation and approval by the Council's Cabinet members. It is proposed that the designation would apply to all private rented homes in the Netherfield ward as this will ensure wider issues affecting the ward such as crime, antisocial behaviour and deprivation are addressed on an area basis and not lead to streets of sections of the Netherfield community being left behind adjacent areas if the scheme did not cover the whole ward. It is recommended that the new Netherfield designation is referred to as Phase 1a.

## 15. How to Respond to the Council's Proposal to Designate Netherfield as a Selective Licensing Area – Phase 1a?

To gather views from stakeholders on the proposal to designate the Netherfield ward Phase 1a for selective licensing will be subject to a minimum of 10 weeks public consultation hosted via the council's website.

An electronic questionnaire will be made available to stakeholders to seek views on the proposal. The following methods will be used to publicise the proposal and consultation;

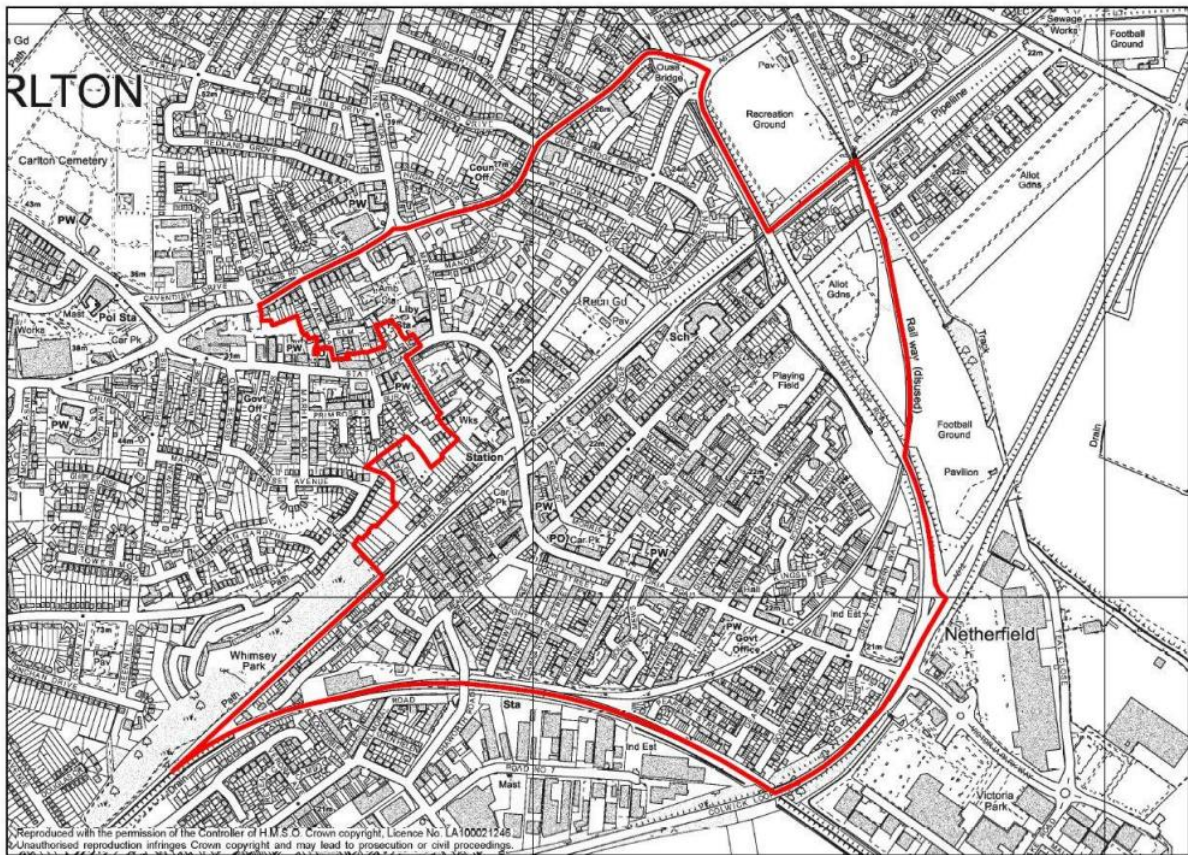
- Mailshot to private landlords and agents known to own or manage properties in the ward
- Leaflet to be hand delivered to all residents and businesses within the consultation area
- Press release and advert in to local newspapers
- Posters to be displayed in community buildings
- Information on the Council's website and social media platforms
- Community briefing events to explain the proposal
- Adverts on the Councils plasma display screens in the borough

- Depending on the timing of the publication potentially an article in the spring edition of the Councils Contacts magazine delivered to all residents of the borough.

To respond to the consultation please see the Councils website:

<http://www.gedling.gov.uk/council/haveyoursay/>

# Appendix A – Proposed Designated Area, Phase 1a



## Appendix B - New proposed fees

	Part A	Part B	Total Fee	Comments
Standard Fee	£600	£220	£820	For non-accredited landlords
Accredited Landlord Fee	£460	£175	£635	The proposed licence holder is accredited with either Unipol or DASH

The above fees have been increased in line with rising costs incurred by the council administering selective licensing since 2018.

It is proposed to retain all other existing fees associated with selective licensing as set out in the table below.

Paper Application Form	Additional £100	For the Council to send out a paper application pack and process the completed paper response, rather than submitting online
Missed Inspections	£50	Failure to attend an agreed inspection a charge shall be levied
Part 1 Housing Act 2004	£425	Not all costs can be recovered from the licence fee. Under part 1 of the Housing Act 2004 (Section 49) the Council can charge for relevant costs linked to enforcement work. NB once an invoice is issued, this charge becomes a local land charge on the property
Application to Vary a Licence	No charge	Includes applications to change the manager, address, number of occupants
Extra Correspondence	£30	Where the Council has to e.g. do more than normal to obtain further information to secure a valid licence application or provide copies of documents requested.

## Appendix C Fit and Proper Policy

### 1. Why is there a test

1.1 Under the Housing Act 2004, if the Council is to issue a selective licence, an additional HMO licence or a mandatory HMO licence it must be satisfied that the proposed licence holder is a fit and proper person and the most appropriate person to hold the licence. It must also be satisfied that the proposed manager of the house is a fit and proper person to be the manager of the house. If not, the licence must be refused unless other arrangements can be agreed.

1.2. The licence may be revoked where the Council no longer considers that the licence holder is a fit and proper person to be the licence holder and where the Council no longer considers that the management of the house is being carried out by persons who are not in each case fit and proper persons to be involved in its management.

1.3. These requirements are to ensure that those responsible for operating the licence and managing the property are of sufficient integrity and good character to be involved in the management of the particular residential property, and as such they do not pose a risk to the welfare of safety of persons occupying the property.

### 2. What properties does this policy affect?

2.1 This policy affects any property that requires a licence by the Council under the licensing of HMOs (Part 2 of the Housing Act 2004) and the licensing of other residential accommodation (Part 3) known as Selective Licensing.

### 3. What is meant by 'involved in the management'?

3.1 This means the Council must consider licence holders, managers and others involved in the management of the property. This will not extend to, for example, all members of staff at a managing agent who have limited access to a property, but it will be necessary to find out how repairs to the property are carried out. It is a licence condition for licence holders and managers to ensure their staff are fit and proper. Licence holders and anyone else who is involved in the management of a licensable property are in a position of trust. The nature of their role means they will enter the property on occasion.

3.2. The licence holder and the manager can be two different people. Where this is the case, a decision must be made for each individual about whether they are a fit and proper person.



## 4. What will the Council look at?

4.1. The Council will consider a person 'fit and proper' if it is satisfied that;

- They do not have any unspent convictions that may be relevant to their role as either licence holder or manager and, in particular, any conviction involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- They have not been found by a court or tribunal to have practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
- They do not have any unspent conviction in relation to any housing, public health, environmental health or landlord and tenant law; including any civil proceedings in which judgment was made against them.
- They have not been in control of a property, which has been subject to a control order under section 379 of the Housing Act 1985 in the last 5 years.
- They have not had a licence refused, been convicted of breaching the conditions of a licence under Parts 2 or 3 of the Act; or have acted otherwise than in accordance with a Code of Practice approved under section 233 of the Act that concerns a property in their ownership (whether or not in the Council's district).
- They do not own or have not previously owned property that has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004.
- They have not been served with a Banning Order in accordance with part 2, chapter 2 of the Housing and Planning Act 2016.
- In addition, the Council may also take in to account whether any person associated or formerly associated with the applicant or manager has done any of these things, if it considers this information relevant.
- They have not contravened any provision of the law relating to housing or landlord and tenant law.

## 5. How will the Council make their decision?

5.1. Where a person has relevant unspent convictions and or has contravened provisions of relevant legislation or codes of practice then the Council may decide that that person is not fit and proper. Each case must be considered on its own merits. Evidence of any specified misconduct does not necessarily lead to the conclusion that the person is not fit and proper. The Council will adopt a common sense approach, exercising its discretion reasonably and proportionately, taking into account relevant factors and disregarding irrelevant factors.

5.2. Where there is evidence of specified misconduct then the Council, when deciding whether that misconduct means that the person is not fit and proper, will take into account the following factors:

- the relevance of the conviction/contravention in relation to the person's character and integrity to manage an licensable property
- the severity of the conviction/contravention in terms of impact, upon residents and the wider community
- when the conviction/contravention took place
- any mitigating circumstances
- any other relevant factors

5.3. This list of factors is not intended to be exhaustive and the Council will take into account any other relevant factors in so far as they are relevant to the fitness of the relevant person. In other words, the misconduct has to be relevant to the person's fitness to hold a licence and/or manage the particular residential property.

5.4. The Council would not normally consider a landlord with a criminal record for unlawful evictions and harassment of tenants to be fit and proper person. In contrast, evidence of minor contraventions of housing or landlord and tenant law need not result in the Council deciding that a person is not fit and proper.

5.5. If an offence is isolated and/or there are mitigating circumstances this may not result in the Council deciding that the person is not fit and proper. Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which should be taken into account. A particularly serious view may be taken where the victim of any offence is vulnerable.

## 6. Consideration of 'persons associated or formerly associated' with the proposed licence holder or manager

6.1. If there is evidence that a person associated, or formerly associated, with the person proposed to be the licence holder or manager of the property has committed any wrongdoings, that evidence may be taken into account in determining the fitness of the proposed licence holder, manager or other persons involved in the management of a property (even if that person has himself or herself an unblemished record). It would not be appropriate for a licence to be granted to someone, or for someone to be the manager of a property, if that person was merely acting as a 'front' for someone else who would not be a fit and proper person. It would also not be appropriate if someone's ability to manage a property satisfactorily would be unduly influenced by an associate who was not or would not be considered fit and proper.

6.2. Examples:

6.2.1. A husband and wife, where the husband is the landlord (or indeed both he and his partner are joint landlords), but only the wife has applied for the licence. There is evidence that the husband has committed wrongdoings and those wrongdoings are relevant to the management of the property and his fitness to be a manager or licence holder. Since the husband is joint owner and an associate of the wife it would be reasonable to assess whether the husband is fit and proper given that he is an associate of the proposed licence

holder. If the husband is found not to be fit and proper, then the Council may refuse to grant the wife a licence.

6.2.2. The director of company, A, has been prosecuted previously and convicted a number of times for failing to manage a property. A then starts to work for another managing agent, B, as an, employee. Depending on A's duties B may need to satisfy the Council that he or she is fit and proper if employee A is involved in the management of a property. If A is required to satisfy the fit and proper test and fails it, B, i.e. the employer, could be found not to be fit and proper to manage or be a licence holder by association.

6.3. A decision that someone is not fit and proper or a refusal to grant a licence in these circumstances will normally only be made if:

- there is actual evidence of relevant misconduct by the associated person and
- the associate's fitness is directly relevant to the applicant or proposed licence holder's fitness to manage the property or hold the licence.

## 7. Duration

7.1 If someone is found not to be fit and proper this will normally remain the case for 5 years. If a subsequent licence application is submitted within that period the Council will reconsider a person's fit and proper status on the merits of that application. The applicant will be expected to provide evidence which demonstrates why she or he is a fit and proper person.

## 8. Offences / evidence of contraventions

8.1. The following examples give a general guide to the action which might be taken where convictions are disclosed or where there is evidence of contraventions proved to the satisfaction of the Council.

*8.2. Have they contravened housing law or landlord and tenant law?*

8.2.1. Careful consideration should be given to an application where a person making a fit and proper person declaration has contravened housing law or landlord and tenant law, for example evidence of poor management, previous history, prosecutions, simple cautions. In particular, consideration should be given to contraventions under:

- The Public Health Acts of 1936 and 1961
- The Building Act 1984
- The Environmental Protection Act 1990
- The Town and Country Planning Act 1990
- The Prevention of Damage by Pests Act 1949
- The Protection from Eviction Act 1977
- The Local Government (Miscellaneous Provisions) Acts of 1982 and 1976
- The Housing Grants, Construction and Regeneration Act 1996
- The Local Government and Housing Act 1989
- The Housing Act 2004

8.2.2. Contravention of one of the above Acts could result in informal action where a person is asked to complete works, formal action where a legal notice is served, remedial action or work in default, or a prosecution. The nature of the contravention, its relevance to the management of a house and the potential harm caused must all be considered. It may also be relevant to consider the circumstances of the contravention, the number of contraventions and evidence to show good character since the date of the contravention. Each case will be considered on its own merit.

### *8.3. Have they committed any offences involving fraud?*

8.3.1. Licence holders and anyone else who is involved in the management of a licensable property are in a position of trust. The nature of their role means they will enter the property on occasion and will be engaged in financial dealings taking personal data from their tenants, so there may be opportunities for fraud.

8.3.2. In particular a person will normally be found not to be fit and proper where the person has a conviction for an offence in which the victim has been deprived of money, property or other benefit by misrepresentation/deception on the part of the offender including:

- Theft
- Burglary
- Fraud
- Benefit fraud (particularly where tenants are in receipt Housing Benefit)
- Conspiracy to defraud
- Obtaining money or property by deception
- People trafficking
- Being struck off as the company director

### *8.4. Have they committed any offences involving violence?*

8.4.1. A person will not normally be considered to be fit and proper where the person making a fit and proper person declaration has a conviction for the offence of:

- Murder
- Manslaughter
- Arson
- Malicious wounding or grievous bodily harm
- Grievous bodily harm with intent
- Actual bodily harm
- Grievous bodily harm
- Robbery
- Racially aggravated criminal damage
- Common assault
- Common assault which is racially aggravated
- Assault occasioning actual bodily harm
- Possession of an offensive weapon

- Possession of a firearm

#### *8.5. Have they committed any offences involving drugs?*

8.5.1. Careful consideration should be given to an application where a person making a fit and proper person declaration has committed a drug related offence. Consideration should be given to the nature of the offence and what bearing it could have on the management of a licensable property. The nature, quantity and class of drugs will be taken into account.

#### *8.6. Have they committed any offences involving sexual offences?*

8.6.1. As licence holders, managers and anyone else who is involved in the management of a licensable property will on occasion visit tenants in their homes, convictions for sexual offences will be treated particularly seriously.

8.6.2. A person will not normally be considered fit and proper where the person making a fit and proper person declaration has a current conviction for an offence contained in schedule 3 of the Sexual Offences Act 2003.

#### *8.7. Have they practiced unlawful discrimination?*

8.7.1. Careful consideration should be given to an application where a person making a fit and proper person declaration has practiced unlawful discrimination. Unlawful discrimination can include findings of an Industrial Tribunal on unlawful employment practice such as discrimination under the Disability Discrimination Act. Consideration should be given to the nature of the unlawful discrimination and what bearing it could have on the management of a licensable property.

### 9. Private Sector Housing Enforcement Policy

9.1. This policy forms an appendix to the Private Housing Enforcement Policy, which promotes efficient and effective approaches to regulatory inspection and enforcement to improve regulatory outcomes without imposing unnecessary burdens.

### 10. Data sharing

10.1 Information used and ascertained for the purpose of deciding whether a proposed licence holder or manager is fit and proper is shared with other statutory bodies on the basis of preventing and detecting crime and disorder, particularly other local authorities and the police. Property licence applicants agree to this when they sign the property licence application form.

## Appendix D Selective Licence Conditions for Privately Rented Properties

*\*Indicates a statutory condition as prescribed by the Housing Act 2004*

### **A. Gas, Electrical and Fire Safety**

#### **Gas Safety**

1. Where gas is supplied to the house, the licence holder shall ensure that all gas installations and appliances are in safe condition at all times and that an annual gas safety check is carried out by a Gas Safe registered engineer. The licence holder shall provide a copy to all tenants/occupiers at the beginning of their tenancy, and keep a written record that it has been provided. \*
2. The licence holder shall produce the gas safety certificate issued in respect of the house within the previous 12 months for inspection within 7 days of the council's demand. \*

Details of Gas Safe engineers can be found at [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)

#### **Electrical Safety**

3. The licence holder shall ensure that every electrical installation in the housing is in proper working order and safe for continued use. \*
4. The licence holder shall supply the authority, on demand, with a declaration by them as to the safety of such installations. \*

#### **Safety of Electrical Appliances**

5. The licence holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order at all times. \*
6. The licence holder shall ensure a record of visual inspection of such appliances is maintained and shall submit this record to the council within 7 days of the council's demand.
7. Within 7 days of the council's demand, the licence holder shall supply a declaration as to the safety of electrical appliances made available by him at the house. \*

#### **Smoke Alarms/Fire Detection Systems**

8. The licence holder shall ensure that at all times a suitable fire detection and alarm system is installed in the house and is maintained in proper working order. As a minimum, there must be a smoke alarm installed on each storey of the house on which there is a room used wholly or partly as living

accommodation. For the purposes of this paragraph, a bathroom or lavatory is to be treated as a room used as living accommodation. \*

9. The licence holder shall supply a declaration as to the condition and position of any smoke alarms/detectors in the property within 7 days of the council's demand. \*

### **Furniture and Furnishings (Fire Safety)**

10. The licence holder shall ensure that the furniture made available by them at the house is kept in a safe condition as all times. \*
11. The licence holder shall supply a declaration as to the safety of the furniture made available by him at the house within 7 days of the council's demand. \*

### **Carbon Monoxide Alarms**

12. The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker. Any such alarm must be kept in proper working order. For the purposes of this paragraph, a bathroom, lavatory, hall or landing are all treated as being a room used as living accommodation. \*
13. The licence holder shall supply a declaration as to the condition and position of any carbon monoxide alarms in the property within 7 days of the council's demand. \*

### **B. Property Management**

14. The licence holder must ensure all reasonable and practical steps are taken to respond to repair and maintenance issues at their property and that any works to deal with repairs are undertaken within a reasonable period of time after they are notified, and within the timescales notified to occupiers under condition 22.
15. The licence holder must ensure that gardens, yards and other external areas are cleared of rubbish, debris and accumulations and are cleared between tenancies. All refuse and unwanted items are cleared from the house and disposed of in an appropriate manner before new tenants move in
16. The licence holder shall ensure the property is secure by complying with the requirements of paragraphs a) to f) below:
  - a) So far as reasonably possible, any emergency works necessary to protect the security of the property are undertaken within 24hrs of notification e.g. damage to windows/entrance points to the property.
  - b) The security provisions for the access to the property (locks, latches, deadbolts and entry systems etc.) are maintained in good working order at all times;
  - c) Where window locks are fitted, that keys are provided to the occupant(s) of

- the property;
- d) Where a burglar alarm is fitted to the house, that the occupant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed;
  - e) Where previous occupiers have not surrendered keys, arranging for a lock change to be undertaken, prior to new occupiers moving in;
  - f) Where alley gates are installed to the side or rear of the licensed property, taking responsibility for holding a key and making satisfactory arrangements for the occupiers' access;

### **Dealing with Rubbish:**

17. The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating:
  - What day refuse collections take place
  - What type of bins to use for household and recycling waste
  - Details of the council's bulky waste collection service
  - The occupier's responsibility to put bins out no earlier than 4pm on the day before collection and to return refuse containers within the boundary of the property by 8am the day after they are emptied
  - That occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal
  - The licence holder shall ensure so far as is reasonably possible, that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions him/herself.

### **Property Inspections**

18. The licence holder must ensure that the tenant's right to quiet enjoyment of the property is respected. Where entry is required the licence holder must ensure that any notice requirements contained in the tenancy agreement are complied with. Where the tenancy agreement does not contain any such requirements, the licence holder must ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required. The only exception when it would not be reasonable to give such notice and access is urgent, e.g. in an emergency.
19. The licence holder shall ensure that inspections of the property are carried out at least every six months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement, the record must contain a log who carried out the inspection, date and time of inspection and issues for an action(s) taken. Copies of these must be provided within 7 days of the council's demand.



## **C. Tenancy Management**

20. At the beginning of a new tenancy, the licence holder must provide the occupier(s) with written information, including contact details, explaining how they can make a complaint about the property and the arrangements in place to deal with emergency and other repairs. The contact and telephone number details should be applicable for contact between 9am – 5pm Monday to Friday and should also include out of hours contact details for use in emergencies. Any change in contact and/or telephone number details should be provided to occupiers within 24 hours of the changes being made. Copies of the written information provided to tenants must be provided within 7 days of the council's demand.
21. The licence holder shall indicate to the occupier(s) how they intend to respond to the complaint including a timescale for the steps they intend to take.
22. The licence holder shall respond to any complaint within a reasonable timescale. Copies of all correspondence relating to complaints shall be retained during the currency of the occupation and for 6 months thereafter and shall be provided to the council within 7 days of the council's demand.
23. The licence holder must provide the tenant with an information pack containing the following details:
  - a) A true copy of the licence to which these conditions apply.
  - b) A notice with the name, address, day time and emergency contact number of the licence holder or managing agent.
  - c) Where appropriate, true copies of the current gas, electrical safety and energy performance certificates.
  - d) The information required by conditions 18, 22 and 26.
24. The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it. This statement shall be provided within 7 days of the occupancy beginning and the licence holder shall supply a copy of the written statement within 7 days of the council's demand. \*
25. The licence holder shall comply with all relevant landlord and tenant law and shall ensure that all legal processes are followed when requiring occupiers to leave. If a complaint of illegal eviction is made to the council, the licence holder shall provide information as to the steps taken to evict an occupant within 7 days of the council's demand.
26. The licence holder shall demand references for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Copies of these references shall be kept for the duration of this licence and made available to the council within 7 days of the council's demand. \*
27. Where a deposit is taken the licence holder must provide any tenant with the relevant information about the deposit scheme to which it relates and any other information required under section 213 of the Housing Act 2004. The information must be provided to the council within 7 days of the council's demand.

## **D. Tackling Anti-Social Behaviour**

28. The licence holder shall ensure that all reasonable and practical steps are taken to prevent and respond to anti-social behaviour. These include written tenancy management arrangements to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within 7 days of the Council's demand. If the licence holder or manager / agent receive complaints of anti-social behaviour that concern the occupiers of, or visitors to the property or that result from their actions they must comply with requirements (a) to (i) below:
- a) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept by the licence holder. True copies of the original document should be provided to the Council within 7 days on demand.
  - b) Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour.
  - c) If a complaint is received, or anti-social behaviour is discovered, within 7 days the tenant must be informed of the allegations of anti-social behaviour in writing and of the consequence of its continuation.
  - d) From the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour and take all necessary steps to establish if it is continuing.
  - e) Where the anti-social behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or his agent must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.
  - f) Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed.
  - g) If after 14 days of giving a warning letter the tenant has failed adequately to address the anti-social behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).
  - h) Where the obligation under (g) has arisen, the licence holder must, within 7 days, provide to the Council in writing a plan setting out the steps he proposes to take, and the timescale for taking those steps, in order to resolve the problem.
  - i) If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police (whether following the provision of a plan referred to at (h) above, or generally.)

There may be instances where anti-social behaviour occurs more than once, but not continuously and possibly several months apart. In such circumstances the licence

holder would still be expected to take all reasonable and practical steps to ensure it is effectively dealt with, up to and including eviction.

### **E. Change of Details or Circumstances**

29. The licence holder must inform the council within 21 days of any material change in circumstances including:
- a) Change of their address
  - b) Change of manager, management arrangements or ownership
  - c) Any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law.
  - d) Any proposed changes to the layout of the house that would affect the licence or licence conditions.

### **F. Licence Holder Training**

30. Where the licence holder has not attended relevant training in the previous 3 years, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing within 12 months of the date the licence is issued. This requirement can be satisfied in one of the following ways:
- a) By attending training course or undertaking online training arranged and delivered by our accreditation partner DASH Services and submitting a certificate to the Council following this training. Visit [www.dashservices.org.uk](http://www.dashservices.org.uk) or call 01332 641111 to arrange this.
  - b) By completion of the accreditation training of the National Landlords Association (NLA) or Residential Landlords Association (RLA) or other equivalent recognised landlord accreditation body and submitting the pass certificates to the Council for confirmation.
  - c) By completion of other suitable training on the law and legal requirements relating to managing privately rented properties as provided by East Midlands Property Owners Ltd (EMPO) or other recognised landlord training subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

### **G. Interpretation**

31. Where reports, certificates, declarations or other documents are required to be produced or supplied to the Council, this shall mean sending by email (preferred method), post or delivering by hand, declaration to the Council's offices for the attention of the Public Protection Service.

32. Any reference to tenant or tenancy can also be interpreted to include occupancy by licence or other form of written agreement for the purposes of these conditions.

**Advisory Notes**

Where electrical works/certificates are required they shall be carried out by a competent person. For example a suitably qualified electrical contractor who is registered/a member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with part P of the Building Regulations. Electrical contractors that are on a relevant competent person scheme can be found at [www.competentperson.co.uk](http://www.competentperson.co.uk)

## References:

Department for Communities and Local Government (2015), *Selective Licensing in the private rented sector, A guide for Local Authorities*. Published March 2015

Ministry of Housing, Communities and Local Government (2019) Indices of multiple deprivation, URL: <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019> Published 26/9/2019

Petersen K, Alexiou A, Brewerton D, et al (2022), *Impact of Selective Licensing schemes for private rental housing on mental health and social outcomes in Greater London, England: a natural experiment study*. BMJ Open, Published 23/12/2022.

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## EQUALITY IMPACT NEEDS ASSESSMENT

<b>Policy/Service/Procedure to be assessed</b>	<b>Proposed Designation for Selective Licensing of the Private Rented Sector – Netherfield Ward</b>
<b>Assessment completed by:</b>	<b>Food, Health and Housing Manager</b>
<p><b>Aims/objectives of the Policy/Service/Procedure</b></p> <p><b>Selective licensing is a regulatory tool provided by the Housing Act 2004. Part3</b></p> <p>Selective licensing is a regulatory tool provided by the Housing Act 2004. Part 3 of the Housing Act 2004 (the Act) sets out the theme for licensing private rented properties in a local housing authority area. Under section 80 of the Act a local housing authority can designate the whole or any part or parts of its area as subject to selective licensing. Where a selective licensing designation is made it applies to all privately rented property in the area.</p> <p>The Council is proposing to implement a selective licensing scheme in a designated area which covers the residential area of the Netherfield ward– see map at the end of EIA.</p> <p>Under the proposed designation, all privately rented houses (as defined by the Act) will require a licence; and applications will need to be made to the Council by landlords.</p> <p>Prior to designating a scheme for selective licensing the council must have completed. This EIA is produced following the 12 week public consultation which included 3 public briefings with stakeholders and a meeting with the two main local landlord associations.</p> <p>The consultation on the proposed scheme generated a number of responses which have equalities implications. The document below shows these and sets out how, where possible, the Council intends to respond to them in progressing the scheme</p> <p>One of the key benefits which licensing is perceived to bring is an improvement in the management and condition of private rented accommodation in Netherfield where a large number of vulnerable residents are housed.</p>	

<b>Who are the customers and stakeholders of this service?</b>	
<p>Tenants living in private rented accommodation in Netherfield.          Landlords and managing agents of private rented accommodation in Netherfield          Landlord associations such as EMPO and NLA          Residents &amp; Businesses in the Netherfield ward          Councillors          Partner organisations such as Nottinghamshire Police, Nottinghamshire Fire and Rescue, Public Health.</p>	
<b>Detail below what information you already have about the impact this policy/service/procedure has on the following groups including results from consultation, complaints, census:</b>	
<b>Black and minority ethnic people</b>	3% of respondents to the consultation were from the BME group
<b>Men/women and trans</b>	48% of respondents were men 39% were women 14% would prefer not to say
<b>Disabled people</b>	15% of respondents reported that their day to day activities are limited because of a health problem or a disability which has lasted, or is expected to last, at least 12months.
<b>Gay/Lesbian/bisexual People</b>	No data recorded
<b>People from different faiths</b>	The 2011 Census data shows that 57.1% of the population are Christian, 31.7.% of no religious belief and 1.4% are Muslim, with 7.1% following a not stated religion
<b>People of different ages</b>	No under 25s respondent to the consultation 13% were aged 25 to 34



	<p><b>19% were aged 35 to 44</b> <b>26% were aged 45 to 54</b> <b>18% were aged 55 to 64</b> <b>13% were aged 65 to 74</b> <b>1% were aged 75 to 84</b> <b>11% would prefer not to say</b></p>
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<b>How will this policy/service/procedure impact on the following groups:</b>		
	<b>Positive impact</b>	<b>Negative impact</b>
<b>Black and minority ethnic people</b>	<p>Improved housing conditions and property management in the private rented sector.</p> <p>Improved health and wellbeing /life chances/opportunities as a result of improving housing.</p> <p>It is hoped the scheme will help to tackle crime and ASB issues in the PRS.</p>	<p>It is hoped the benefits will outweigh the disadvantages, but concerns have been raised about potential for rents to increase due to the fees of the scheme. It is considered that spread over 5 years the fees are minimal. As a result of feedback in the consultation it is proposed to introduce a 2 part fee to help spread the costs and also to reduce the total licence fee and offer a greater discount for accredited landlords.</p>
<b>Men/women and trans</b>	<p>It is not envisaged that this sector of society will impacted in a different way than outlined above.</p>	<p>It is not envisaged that this sector of the community will impacted in a different way than outlined above.</p>
<b>Disabled people</b>	<p>As stated for the BME sector but also greater signposting to support and grant assistance services such as the Disabled Facilities Grants and Warm Homes on Prescription Service. This is likely to benefit this sector of society positively.</p>	<p>It is not envisaged that this sector of the community will impacted in a different way than outlined for the BME sector.</p>
<b>Gay/Lesbian/bi-sexual people</b>	<p>It is not envisaged that this sector of the community will impacted in a different way than outlined for the BME sector.</p>	<p>It is not envisaged that this sector of the community will impacted in a different way than outlined for the BME sector.</p>
<b>People from different faiths</b>	<p>It is not envisaged that this sector of the community will impacted in a different way than outlined for the BME sector.</p>	<p>It is not envisaged that this sector of the community will impacted in a different way than outlined for the BME sector.</p>
<b>People of different ages</b>	<p>It is not envisaged that this sector of the community will impacted in a different way</p>	<p>Feedback from the consultation has suggested some older landlords and managing agents may</p>

	<p>than outlined for the BME sector. Older people are more likely to be affected by health and mobility conditions, it is envisaged that through the licensing process the council will be able to signpost more eligible customers to services like the Disabled Facilities grants service and Warm Homes on Prescription. This is likely to benefit this sector of society positively.</p>	<p>be less familiar with completing online licence applications. We will provide advice and support for submitting licence applications and provide the facility to receive paper based applications and associated documents.</p>
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**What changes could be made to the policy/service/procedure to address any negative impacts?**

As a result of feedback through the consultation process it is proposal to reduce the licence fees, introduce a 2 part licence fee to help spread the cost and offer a greater discount for accredited landlords.

We will accept paper based applications forms and associated documentation but there will be a charge for receiving the information in this format as there will be additional processing costs for the Council.

**What monitoring will be carried out to ensure this policy/service/procedure meets diverse needs**

The service will be targeted at all private rented homes within the Netherfield ward. Should particular diversity needs become identified through the project then the scheme will adjusted to ensure that any particular sectors of the community are not disadvantaged.

**What actions will be included in your service plan arising from this assessment?**

Action	Outcome	Date?	Who?

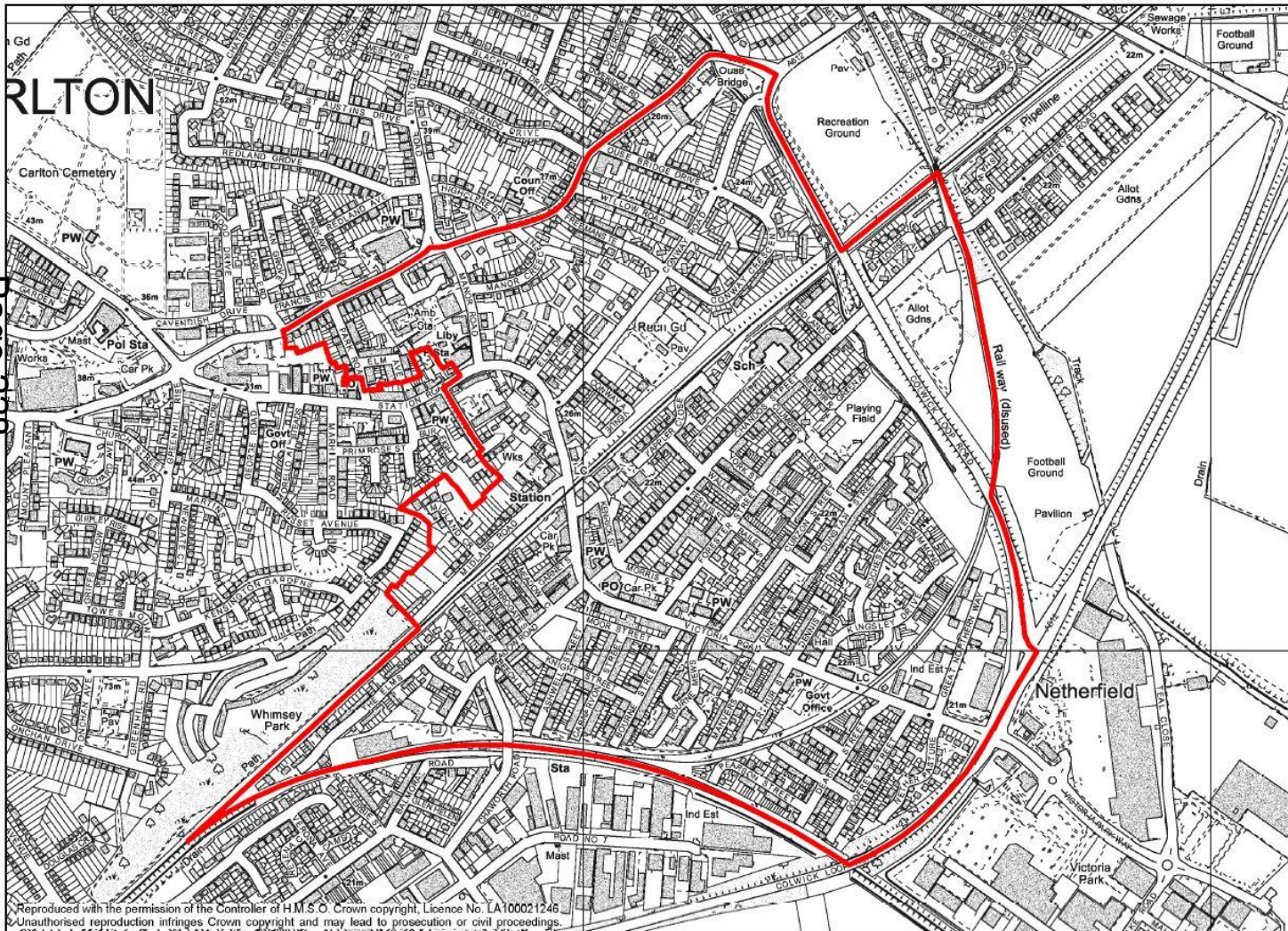
**Are you satisfied that all aspects of this policy/service/procedure have been thoroughly assessed for all the strands of diversity and that no further investigation is required?**      **Yes**

If no then a fuller impact assessment is required.

Signed..... *Sam Palmer* .....(manager)      Signed.....  .....(Corporate Equality Representative)

**Designated area for Selective Licensing – Netherfield ward 2018**

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Department for  
Communities and  
Local Government

# Selective licensing in the private rented sector

A Guide for local authorities



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# Introduction

The Government values the private rented sector and wants to see a strong, healthy and vibrant market. Its aim is a bigger and better private rented sector that offers security, stability and decency. We are increasing the supply of private rented sector housing through the £1 billion Build to Rent fund and a £3.5 billion Private Rented Sector Guarantee scheme to underpin investment in the private rented sector. We are also educating tenants so that they understand their rights, and their responsibilities. We want landlords to treat their tenants as valued customers, not just someone who they can extract rent from without providing any kind of service.

The Government is keen to ensure that the sector is encouraged to meet, in a professional way and with decent quality accommodation, the demands placed upon it by the housing needs of the wide range of tenants it services. It strongly supports voluntary arrangements such as accreditation and landlords' forums.

Currently local authorities have powers to introduce selective licensing of privately rented homes in order to tackle problems in their areas, or any part or parts of them, caused by low housing demand and/or significant anti-social behaviour. Local residents, landlords and tenants (and any other person likely to be affected by the selective licensing designation) must be consulted prior to the introduction of a licensing scheme. Landlords who rent out properties in an area that is subject to selective licensing are required to obtain a licence from the local authority for each of their properties.

With effect from 1 April, a new General Approval will come into force. Local authorities will be required to obtain confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area. Additional criteria for making a scheme are also now in force. A designation may be made to combat problems in an area experiencing poor property conditions, an influx of migration, a high level of deprivation or high levels of crime.

Together these new rules will enable local authorities to make effective licensing schemes to address specific problems arising in particular areas.

This (non-statutory) guidance explains the criteria for making a selective licensing scheme and discusses the type of evidence needed to support a designation. It sets out what a local authority would expect a scheme to deliver in terms of the economic and social conditions of the designated area and how during the period of the designation this will be evaluated. It also explains the processes that need to be complied with before a designation can be brought into force. This Guidance applies to both designations made under the General Approval 2015 and those which require confirmation by the Secretary of State.



## Overview

1. Part 3 of the Housing Act 2004 (the Act) sets out the scheme for licensing private rented properties<sup>1</sup> in a local housing authority area. Under section 80 of the Act a local housing authority can designate the whole or any part or parts of its area as subject to selective licensing. Where a selective licensing designation is made it applies to privately rented property in the area. Subject to certain exemptions specified in the Selective licensing of Houses (Specified Exemptions)(England) Order 2006<sup>2</sup>, all properties in the private rented sector which are let or occupied under a licence, are required to be licensed by the local housing authority, unless the property is a House in Multiple Occupation and is required to be licensed under Part 2 of the Act<sup>3</sup>. With effect from 1 April 2015 a local housing authority will now need to apply to the Secretary of State for Communities and Local Government (Secretary of State) for confirmation of any scheme which would cover more than 20% of their geographical area or that would affect more than 20% of privately rented homes in the local authority area.
2. Under the new arrangements if a local housing authority makes a designation that covers 20% or less of its geographical area or privately rented properties, the scheme will not need to be submitted to the Secretary of State, provided the authority has consulted for at least 10 weeks on the proposed designation. However, if the local housing authority makes one or more designations that are in force partly concurrent to an existing scheme, and cumulatively all the designations cover more than 20% of the area or the private rented stock, those new designations will need to be submitted to the Secretary of State for approval. Likewise if the local housing authority makes two or more designations at the same time, each of which account for less than 20% of the area or private rented stock, but cumulatively account for more than 20% of either, all of the schemes will need to be submitted to the Secretary of State for confirmation.
3. In deciding the number of privately rented properties a scheme would apply to the local housing authority may want to consider data it holds on sector, including housing benefit and council tax records.

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<sup>1</sup> Private rented properties do not include accommodation where the tenancy is granted by a non-profit registered provider of social housing or a profit-making registered provider of social housing, within the meaning of Part 2 of the Housing and Regeneration Act 2008.

<sup>2</sup> SI 2006/370

<sup>3</sup> Housing Act 2004 Section 85 (1)(a).

## Conditions applying to Selective licensing

4. A selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions. The area is one experiencing:
  - low housing demand (or is likely to become such an area)<sup>4</sup>;
  - a significant and persistent problem caused by anti-social behavior<sup>5</sup>;
  - poor property conditions<sup>6</sup>;
  - high levels of migration<sup>7</sup>;
  - high level of deprivation<sup>8</sup>;
  - high levels of crime<sup>9</sup>.
5. In considering whether to designate an area for selective licensing on the grounds above on property conditions, migration, deprivation and crime the local housing authority may only make a designation if the area has a high proportion of property in the private rented sector<sup>10</sup>. Nationally the private rented sector currently makes up 19% of the total housing stock in England<sup>11</sup>. The actual number of privately rented properties in a given area may be more or less than this, and if it is more than 19%, the area can be considered as having a high proportion of privately rented properties. 19% is the figure as of March 2014. This figure will vary from time to time, so local authorities are strongly advised to consult the latest available English Housing Survey when considering whether an area has a high proportion of privately rented properties.
6. When considering whether to make a selective licensing designation a local housing authority must first identify the objective or objectives that a designation will help it achieve. In other words it must identify whether the area is suffering problems that are caused by or attributable to any of the criteria for making the designation and what it expects the designation to achieve - for example, an improvement in property conditions in the designated area.
7. Secondly, it must also consider whether there are any other courses of action available to it that would achieve the same objective or objectives as the proposed scheme without the need for the designation to be made. For example, if the area is suffering from poor property conditions, is a programme of renewal a viable alternative to making the designation? In areas with Anti-Social Behaviour,

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<sup>4</sup> Housing Act 2004 Section 80(3)

<sup>5</sup> Housing Act 2004, Section 80(6)

<sup>6</sup> The Selective Licensing of Houses (Additional Conditions)(England) Order 2015 – Article 4

<sup>7</sup> The Selective Licensing of Houses (Additional Conditions)(England) Order 2015 – Article 5

<sup>8</sup> The Selective Licensing of Houses (Additional Conditions)(England) Order 2015 – Article 6

<sup>9</sup> The Selective Licensing of Houses (Additional Conditions)(England) Order 2015 – Article 7

<sup>10</sup> The Selective Licensing of Houses (Additional Conditions)(England) Order 2015 - Article 3 (1) (a)

<sup>11</sup> English Housing Survey 2013/2014

where landlords are not taking appropriate action, could an education programme or a voluntary accreditation scheme achieve the same objective as a selective licensing designation?

8. If the problems of anti-social behavior are only associated with a small number of properties a local housing authority should consider making a Special Interim Management Order, rather than a selective licensing designation covering properties with regard to anti-social behaviour (see Annex below).
9. Only where there is no practical and beneficial alternative to a designation should a scheme be made.
10. If the local housing authority decides there is no practical and beneficial alternative to the scheme, it must only make the designation if it is satisfied that the scheme will significantly assist it in achieving its objective or objectives, with other actions the local housing authority may be taking.
11. Any designation made must:
  - ensure that the exercise of the power is consistent with their overall housing strategy<sup>12</sup>; and
  - seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others.<sup>13</sup>

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<sup>12</sup> Housing Act 2004, Sections 81(2)

<sup>13</sup> Housing Act 2004, Sections 81(3)

# **Making a scheme – identifying the factors affecting an area, assessing impacts of schemes and measuring their outcomes**

## **Introduction:**

12. Before proposing a designation and embarking on a consultation the local housing authority must identify the problems affecting the area to which the designation will apply and provide evidence to support the existence of the problems. It must also decide what other measures it, or other persons together with the local housing authority, will take together with the selective licensing scheme to eliminate or mitigate those problems and how they will work together. The local housing authority must also assess what outcomes will be delivered through the making of a scheme and taking the other measures<sup>14</sup>.

## **Low Housing Demand**

13. When deciding if an area is suffering from, or likely to become, an area of low housing demand, it is recommended that local housing authorities consider the following factors:

- The value of residential premises in the area, in comparison to the value of similar premises in other areas which the authority considers to be comparable (whether in terms of type of housing, local amenities, availability of transport).
- The turnover of occupiers of residential premises (in both rented and owner occupied properties).
- The number of residential premises which are available to buy or rent, and the length of time for which they remain unoccupied.
- The general appearance of the locality and the number of boarded up shops and properties.

14. The scheme should state how it will help address the problems associated with low demand in the designated area, for example, through imposing conditions relating to the management of properties. It must identify how the scheme will work in combination with other specified measures that the local housing authority is taking to combat those problems.

15. The outcome of the scheme should be a reduction in or elimination of the blight of low demand which has led to improvements of the social and economic conditions of the sector, which are identifiable.

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<sup>14</sup> It should be noted that in making a selective licensing designation, the local housing authority must also take other measures to help address the problems. A scheme cannot be made unless those other measures are to be introduced (or continued in force).

## Anti-Social Behaviour

16. In deciding whether an area suffers from anti-social behavior, it is recommended that local housing authorities consider whether private sector landlords in the designated area are not effectively managing their properties so as to combat incidences of anti-social behaviour caused by their tenants or people visiting their properties and in particular the area suffers from anti-social behaviour as a result of this failure or because that failure significantly contributes to that problem.
17. In considering whether the area is suffering from anti-social behaviour which a landlord should address regard must be had as to whether the behaviour is being conducted within the curtilage of the rented property or in its' immediate vicinity and includes acts of (but not limited to):
- intimidation and harassment of tenants or neighbours;
  - noise, rowdy and nuisance behaviour affecting persons living in or visiting the vicinity;
  - animal related problems;
  - vehicle related nuisance;
  - anti-social drinking or prostitution;
  - illegal drug taking or dealing;
  - graffiti and fly posting;
  - and litter and waste within the curtilage of the property.
18. The scheme should state what measures will be taken to address the problems associated with anti-social behaviour, for example by including conditions in licences requiring landlords to take action to deal with such behaviour, to ensure that properties are not let to persons with a known record of anti-social behaviour and relating to the use of the property. It should also make clear how the measures taken in the scheme when combined with other specified measures will work together to combat the problems caused by anti-social behaviour.
19. The outcome of the scheme should be a reduction in, or elimination, of anti-social behaviour (caused by tenants in the private sector) in the designated area.

## Poor property conditions

20. Local housing authorities can address poor property conditions through their powers in Part 1 of the Act, which are extensive. As mentioned below a local housing authority should not use its Part 3 powers (selective licensing) where it is appropriate to tackle small numbers of properties which are in disrepair directly and immediately under Part 1. There may, however, be circumstances in which a significant number of properties in the private rented sector are in poor condition and are adversely affecting the character of the area and/ or the health and safety of their occupants. In that case, as part of wider strategy to tackle housing conditions, the local housing authority may consider it appropriate to make a selective licensing scheme so that it can prioritise enforcement action under Part 1 of the Act, whilst ensuring through licence conditions under Part 3 that the properties are properly managed to prevent further deterioration.
21. It is recommended that local housing authorities consider the following factors to help determine whether there are poor property conditions in their area:
- The age and visual appearance of properties in the area and that a high proportion of those properties are in the private rented sector<sup>15</sup> ;
  - Whether following a review of housing conditions under section 3(1) of the Act<sup>16</sup>, the authority considers a significant number of properties in the private rented sector need to be inspected in order to determine whether any of those properties contain category 1 or 2 hazards. In this context “significant” means more than a small number, although it does not have to be a majority of the private rented stock in the sector. It would not be appropriate to make a scheme if only a few individual properties needed attention.
22. The scheme should state what action the authority intends to take under Part 1 of the Act if it identifies there are serious deficiencies with properties, including the timescale for taking the appropriate action and its enforcement plan for non-compliance with improvement notices or prohibition orders it serves.
23. The outcome of the designation would be a general improvement of property conditions in the designated area within the lifetime of the designation.

## High levels of migration

24. Migration refers to the movement of people from one area to another. It includes migration within a country and is not restricted to migration from overseas. A selective licensing designation can be made, as part of wider strategy, to preserve or improve the economic conditions of the area to which migrants have moved and ensure people (including migrants) occupying private rented

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<sup>15</sup> The proportion of properties is a statutory requirement- see The Selective Licensing of Houses (Additional Conditions)(England) Order 2015- Article 3 (1) (a)

<sup>16</sup> It is a prerequisite to making a scheme that such a review has been carried out. The Selective Licensing of Houses (Additional Conditions)(England) Order 2015 – Article 4 (a)

properties do not live in poorly managed housing or unacceptable conditions.

25. In considering whether an area is experiencing, or has experienced, high levels of migration: the local housing authority will want to consider whether the area has experienced a relatively large increase in the size of the population over a relatively short period of time. In assessing this, the local housing authority should consider whether net migration into the designated area has increased the population of the area. We suggest a population increase of around 15% or more over a 12 month period would be indicative that the area has or is experiencing a high level of migration into it.
26. The designated area must contain a high proportion of privately rented properties with a significant number of migrants to the area occupying them. In assessing whether the area is experiencing or has experienced significant migration the local housing authority will want to have regard to such information it holds on households in the area; any significant increase in the call for, or in the provision of, local authority services in the area; any increase in local authority or police intervention in the area and any changes to the socio- economic character of the area.
27. The scheme should state what actions the local housing authority intends to take to ensure the preservation or improvements to the social or economic conditions of the area. It should also state what it would put in place through licensing, to ensure proper standards of management of privately rented properties in the area are maintained, and to prevent properties becoming overcrowded.
28. The outcome of the designation should be to preserve or improve the economic or social conditions of the area during the lifetime of the designation and ensure that a proper standard of management of privately rented property is maintained and that properties do not become overcrowded.

## **High levels of deprivation**

29. A local housing authority may make a designation if the area is experiencing a high level of deprivation. It must, however, be clear that by making the scheme it will, together with other measures as part of a wider strategy, improve housing conditions in the private rented sector in that area.
30. In deciding whether to make a designation because the local authority considers the area suffers from a high level of deprivation we recommend that the local housing authority considers the following factors when compared to other similar neighbourhoods in the local authority area or within the region:
  - the employment status of adults;
  - the average income of households;
  - the health of households;
  - the availability and ease of access to education, training and other services

for households;

- housing conditions;
- the physical environment;
- levels of crime.

31. Although it is a matter for the local housing authority to determine, whether having regard to the above factors, the area is one that is suffering from a high level of deprivation, the local housing authority may only make a designation if a high proportion of housing in the area is in the private rented sector.
32. The scheme should state what actions the local housing authority intends to take to combat housing problems associated with the deprivation; including, for example, through licence conditions to ensure properties are managed properly, and can contribute to an improvement in the well-being of the occupants and wider community.
33. The outcome of the designation should be (together with other measures) a reduction of the problems with housing in the private rented sector contributing to the high level of deprivation.

### **High levels of crime**

34. In considering whether an area suffers from a high level of crime the local housing authority may wish to have regard to whether the area has displayed a noticeable increase in crime over a relatively short period, such as in the previous 12 months; whether the crime rate in the area is significantly higher than in other parts of the local authority area or that the crime rate is higher than the national average. In particular the local housing authority may want to consider whether the impact of crime in the area affects the local community and the extent to which a selective licensing scheme can address the problems.
35. The licensing scheme must be part of a wider strategy to address crime in the designated area and can only be made if a high proportion of properties in that area are in the private rented sector. In particular the local housing authority should consider:
  - whether the criminal activities impact on some people living in privately rented accommodation as well as others living in the areas and businesses therein;
  - the nature of the criminal activity, e.g. theft, burglary, arson, criminal damage, graffiti;
  - whether some of the criminal activity is the responsibility of some people living in privately rented accommodation.



36. The scheme should show what measures the local housing authority will be able to take through licensing (and such other measures as are being taken), to reduce criminal activity in the area, such as by imposing conditions in licences to ensure properties are safe from intruders.
37. The outcome of the designation (together with the other measures) should lead to a reduction in crime in the area.

## Selective licensing as part of the overall housing strategy

38. Selective licensing is not a tool that can be used in isolation. The local housing authority will have to show how such a designation will be part of the overall strategic borough wide approach<sup>17</sup>, and how it fits with existing policies on:

- Homelessness
- Empty Homes
- Regeneration
- Anti-social behaviour associated with privately renting tenants

39. Local housing authorities must also ensure that selective licensing complements other measures. It should only be used where existing measures alone are not sufficient to tackle the underlying housing problems of a specific area. Local authorities should also carefully consider any potential negative economic impact that licensing may have on their area – particularly the risk of increased costs to landlords who are already fully compliant with their obligations. These additional costs can reduce further investment and are frequently passed on to tenants through higher rents.

40. The selective licensing scheme must be consistent with the overall housing strategy and co-ordinated with procedures for homelessness, empty properties, anti-social behaviour in the private rented sector, and housing market renewal activity.

41. Local housing authorities will also have to demonstrate the role of other partners (if any), such as the Police or Social Services, in ensuring the designation reaches its goal.

42. The local housing authority must show:

- it has considered whether there are any other courses of action available to them that might provide an effective method of achieving the objectives that the designation is intended to achieve, and;
- how the making of the designation will significantly assist the local housing authority in achieving its' objectives (whether or not in conjunction with those other measures).

43. It is important for local housing authorities to demonstrate how licensing will work in conjunction with existing initiatives (such as landlord accreditation) and partnerships. Licensing in itself is not a stand-alone tool, and local housing authorities should take account of this. For example, landlords will need adequate

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<sup>17</sup> Housing Act 2004, Section 81

support to help them deal with problem tenants. Local housing authorities should ensure that their schemes are adequately resourced and include services such as active outreach support programmes to engage with landlords and tenants who need their assistance.

44. It is also important for local housing authorities to consider some of the possible effects of making a designation, and to include any risk assessment they may have carried out. For example, has there been an assessment of the likelihood of possible displacement of unprofessional landlords to other areas within the local authority's jurisdiction, or to neighbouring local authorities.

## Consultation requirements

45. Section 80 (9) of the Act states that when considering designating an area the local housing authority must:
- take reasonable steps to consult persons who are likely to be affected by the designation, and,
  - consider any representations made in accordance with the consultation.
46. Local housing authorities will be required to conduct a full consultation. This should include consultation of local residents, including tenants, landlords and where appropriate their managing agents and other members of the community who live or operate businesses or provide services within the proposed designation. It should also include local residents and those who operate businesses or provide services in the surrounding area outside of the proposed designation that will be affected. Local housing authorities should ensure that the consultation is widely publicised using various channels of communication.
47. If the designation does not require the confirmation of the Secretary of State because of its extent the local housing authority must consult on the proposed scheme for at least 10 weeks. We recommend that if the scheme requires confirmation the local housing authority should aim to consult for at least 10 weeks unless there are special reasons for not doing so.
48. The consultation should be informative, clear and to the point, so the proposal is readily understood. It should inform local residents, landlords, letting agents and businesses about the proposed designation, giving the reasons for proposing it, why alternative remedies are insufficient, demonstrating how it will tackle specific problems together with other specified measures, and describing the proposed outcome of the designation. It should also set out the proposed fee structure and level of fees the authority is minded to charge (if any). Consultees should be invited to give their views, and these should all be considered and responded to.
49. Once the consultation has been completed the results should then be published and made available to the local community. This should be in the form of a summary of the responses received and should demonstrate how these have either been acted on or not, giving reasons.

## Application to the Secretary of State for Confirmation

50. Applications for confirmation of Selective licensing designations should be submitted to the Department for Communities and Local Government and should use the following structure.

- Introduction. This should cover the strategic significance of the proposed area and provide a detailed description of the proposed area (including the number and types of properties affected, and a map of the area).
- An explanation of whether the designation is for more than 20% of the local authority's geographical area; or affects more than 20% of privately rented homes in the area and how this was calculated or where the scheme is for less than 20% of the area or homes, how it together with other schemes affects more than 20% cumulatively.
- Where the designation would cover over 20% of the area or 20% of properties the application should set out what the rationale for adopting a large scale scheme is.
- Current position with regards to tackling:
  - low housing demand;
  - anti-social behaviour;
  - poor property conditions;
  - an influx of migration;
  - a high level of deprivation;
  - high levels of crime;

demonstrating how the area would benefit from the combination of existing policies and selective licensing.

- Conclusion, addressing the relevant issues that were raised in the stakeholder consultation and details as to what the long term impact of the scheme will be on the proposed area.

51. In addition the local housing authority must include with the application:

- A copy of the consultation document and the published summary of the responses;
- Details of the fees that will be charged;

- A copy of the Designation and minutes of the Council meeting resolving to make the designation;
- A copy of the local housing authority's strategy to ensure compliance with the scheme and enforcement against those who do not comply. It must also supply the level of compliance with other licensing schemes it operates, including mandatory House of Multiple Occupation licensing.

52. Applications should be e-mailed to: [selectivelicensing@communities.gsi.gov.uk](mailto:selectivelicensing@communities.gsi.gov.uk)

Hard copies should be sent to:

The Department for Communities and Local Government

Private Sector Property

Fry Building

2 Marsham Street

London SW1P 4DF

## **Department's role in the confirmation process**

53. The Secretary of State's role in confirmation will be exercised by officials in the Private Sector Property Division and the final decision whether to confirm or refuse to confirm the designation will be made by a senior official of the division.
54. The decision will be in writing and where appropriate, will give reasons where the Secretary of State declines to give consent. There is no appeal against the Secretary of State's decision, although it can be subject to judicial review.
55. We aim to make a decision in relation to an application within 8 weeks from receipt, but processing applications may take longer if we have not been given all the information required, or we require further information or research, or if the case is complex.
56. We may request further information relating to the application and supporting documentation, including clarification of matters which are unclear and we may seek further evidence of certain matters. If we do not have sufficient information to make a decision we will let you know.
57. The role of the Secretary of State is not about second-guessing the local housing authority's reasons for making the decision. As this guidance makes clear local housing authorities will know their local housing market conditions better than the Department. The approval system is concerned with ensuring that the local housing authority has carried out the requirements imposed on it through the legislation before making the designation and can sufficiently demonstrate,

where a scheme will impact on a large geographical area or number of privately rented properties, that there is robust evidence to support the reasons for making the designation.

58. There is no presumption towards refusal or acceptance. All applications will be considered impartially on a case by case basis balancing the views and interest of all parties and we will consider representations in support of the application from Government Departments and agencies, such as the Home Office.
59. However, the Secretary of State will take into account in deciding whether to confirm a scheme, the robustness of the proposed measures to ensure compliance<sup>18</sup>. In particular, the Secretary of State will expect to be assured there are systems in place to monitor compliance, and enforcement measures are in place where there is non-compliance. He will also take account when considering confirmation of a new scheme whether there has been sufficient compliance with other licensing schemes operating in the local housing authority area.
60. It is important that licensing schemes that exist are robustly enforced and if a local housing authority is unable to show compliance this will cast doubt on its ability to ensure compliance with the application scheme.

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<sup>18</sup> A local housing authority that has designated an area subject to selective licensing is under a general duty to ensure the scheme is complied with: Housing Act 2004, section 79 (5)(a)

## Duration and Notification of a Selective licensing Scheme

61. Where a designation does not require confirmation, it cannot come into force until three months after it is made. Where it requires confirmation, it cannot come into force until three months after it has been confirmed by the Secretary of State<sup>19</sup>.

62. A designation may be made for up to 5 years<sup>20</sup>.

63. Section 83 of the Act requires local housing authorities to publish a notice of the designation once it has been confirmed. A local housing authority must:

- publish a notice within the designated area within seven days of the designation being confirmed.
- notify all those consulted on the proposed designation within two weeks of the designation being confirmed.

64. Further information on the publication requirements relating to additional and selective licensing designations can be found in Statutory Instrument No. 373 “The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006” which can be found on the Office of Public Sector Information website [www.opsi.gov.uk](http://www.opsi.gov.uk).

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<sup>19</sup> Housing Act 2004, section 82 (3) and (7)

<sup>20</sup> Housing Act 2004, section 84 (2)



## **Local Authority Review of a Selective licensing Scheme**

65. Sections 84 of the Act require local housing authorities to:

- Review the operation of a designation made by them from time to time, and;
- If following a review they consider it appropriate to do so, they may revoke the designation.

66. Selective licensing is not intended to be an end in itself. It is a means to an end. It is about improving management standards in the private sector in areas where those standards are sorely needed to be improved, for the benefit of occupiers and the wider community. Therefore after making a designation local housing authorities must continue to monitor designations to show that they are achieving the desired effect. For example, if a selective licensing designation is deemed to have worked, and the problems of low demand and/or anti-social behaviour have been resolved in an area, the local housing authority may consider that the designation is no longer needed and should be revised or revoked. Alternatively, if a designation is failing to tackle the issues it is meant to address, the local housing authority may consider that the designation should be revised or revoked and alternative measures considered addressing the issues. The Government recognises that licensing may have to be a long term strategy and that it will not provide instant solutions. It also appreciates that, if in the initial phase there has been little improvement in an area, this does not necessarily mean that a designation is a failure.

### **Renewal of a Selective licensing Scheme which requires confirmation**

67. When considering whether a local housing authority should renew a selective licensing scheme which requires confirmation by the Secretary of State, consideration will be given as to whether the existing schemes have met or not met their objectives, and whether they were properly made. The Secretary of State will only confirm a renewal if he is satisfied there is a continuing need for a scheme in the area and the consultation and other processes have been gone through.

68. Any existing scheme that covers more than 20% of the geographical area of the authority or 20% of private rented homes in the area will require confirmation on any proposed renewal as will any scheme which covers less than 20% but cumulatively with other schemes would include more than 20% of the area of stock.

# Annex

## Special Interim Management Order

It will not be appropriate to make a selective licensing designation to address isolated individual problems of anti-social behaviour which nevertheless seriously impact upon the local community. In such cases local housing authorities should consider making a Special Interim Management Order (SIMO) under part 4 of the Act<sup>21</sup>.

A Special Interim Management Order transfers the management of a residential property to the local housing authority for a period of up to twelve months and can only be made if approved by the First Tier Tribunal (Residential Property). The tribunal may not authorise a Special Interim Management Order in respect of a property unless, in the case of non-Houses of Multiple Occupation, there is **anti-social behaviour** emanating from the property, the landlord is failing to take appropriate action to deal with the problem, and, that it is necessary to make the order to protect the health, safety or welfare of persons occupying, visiting or engaged in lawful activities in the locality of the house.

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<sup>21</sup> The criteria for making such an order is set out in SI 2006/369- The Housing (Interim Management Orders) (Prescribed Circumstances) (England) Order 2006

## **Report to Cabinet**

**Subject:** Selective Licensing Implementation in the Netherfield Ward

**Date:** 8 March 2018

**Author:** Food, Health and Housing Manager

### **Wards Affected**

Netherfield ward

### **Purpose**

To consider the results of the 12 week public consultation following Cabinet's resolution of 12 October 2017 in relation to a proposal to designate the Netherfield ward for selective licensing for a period of 5 years.

To approve the designation of the Netherfield Ward shown outlined in red at Appendix 1 to this report as being subject to Selective Licensing with effect from 1 October 2018.

To approve the licence conditions to be attached to licences issued under the Selective Licensing Scheme as set out at Appendix 2 to this report.

To authorise the Director of Health and Community Wellbeing to publish a Notice of Designation in accordance with the Housing Act 2004

To approve the licensing fees as set out in Table 1 of paragraph 4.2 of this report.

To authorise a review of the scheme in 18 months, the outcome of the review will be reported back to Cabinet.

To note the financial implications of implementing a selective licensing scheme including the operational staff structure.

### **Key Decision**

This is a key decision because it is likely to have a significant impact on the whole of the Netherfield ward and has potential implications for the private rented sector in the rest of the Borough and Landlords living inside and outside the Borough who hold properties in the Netherfield ward.

## Background

### 1.1 Legislative background

Section 80 of the Housing Act 2004 allows local authorities to introduce selective licensing of private rented properties in a designated area. The Secretary of State's guidance for local authorities issued by the Department of Communities and Local Government in 2015 requires that a designated area for selective licensing must have a high proportion of private rented accommodation (over 19%). Where the designated area covers over 20% of the local authority area or over 20% of the housing stock in the local authority area, the authority to designate must be granted from the Secretary of State. Below the 20% threshold the local authority has the power to designate the area.

1.2 The Secretary of State's guidance describes that a local authority can designate an area for selective licensing where one or more of the following conditions exist:

- I. low housing demand (or is likely to become such an area)
- II. a significant and persistent problem caused by anti-social behaviour
- III. poor property conditions
- IV. high levels of migration
- V. high levels of deprivation
- VI. high levels of crime

In order for the Council to make a designation it must:-

- a) be satisfied that one or more of the statutory grounds for making a scheme are met
- b) have taken reasonable steps to consult persons likely to be affected by the designation and have considered any representations
- c) ensure that any exercise of the power is consistent with the authority's overall housing strategy
- d) seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour both as regards combining selective licensing with other courses of action available to them and measures taken by other persons

The Council must not make a designation unless:-

- a) it has considered whether there are any other courses of action available to it that might provide an effective method of achieving the objective(s) that the designation would be intended to achieve, and;
- b) it considers that making the designation will significantly assist it to achieve that/those objective(s)

- 1.3 The purpose of local authorities licensing all private landlords in a designated area is to ensure that a minimum standard of property management is achieved. The explanatory notes to Part 3 of the Housing Act 2004 makes it clear that selective licensing is strongly linked into the Government's anti-social behaviour agenda. Registered Social Landlords and their properties are exempt from selective licensing
- 1.4 Prior to designating an area for selective licensing the local authority must have conducted a public consultation for a minimum period of 10 weeks.
- 1.5 In areas designated for Selective licensing all rented properties must be licensed by the council with the exception of those already subject to mandatory HMO licensing or those managed or owned by Registered Social Landlords. All private landlords will be required to hold a licence in order to rent out a property. The licence last for up to five years.
- 1.6 To qualify for a licence a landlord must be able to demonstrate that they are acting within the law and taking adequate steps to manage their properties and keep them safe. Prior to issuing a licence, council officers will inspect every private rented property to ensure they meet minimum standards and will comply with the licence conditions. In addition, a 'fit and proper' person test will be applied to test the landlord's suitability to manage the tenancy.
- 1.7 If a decision is made to approve the designation, a public notification period of 3 months is required before implementation of the scheme in order to communicate the decision to consultees and the public.
- 1.8 At it's meeting of 12 October 2017 Cabinet noted the scheme of Selective Licensing as outlined in the 'Proposal to Declare a Selective Licensing Designation within the Private Rented Sector of the Netherfield Ward' ("the Proposal") and gave approval for a 12 week consultation on the scheme to be carried out. The report including the draft "Proposal" are available via the councils webpage or clicking [here](#).
- 1.9 As outlined to Cabinet in the "Proposal" the statutory grounds upon which the Council would rely for the designation of the Netherfield Ward are; a

significant and persistent problem caused by anti-social behaviour, poor property conditions, high levels of deprivation and high levels of crime. These grounds, along with the other statutory requirements listed above, were fully evidenced in the “Proposal” considered by Cabinet at the meeting of 12 October 2017.

#### 1.10 Fees

Part 3 of the Housing Act 2004 outlines that the Authority may require the selective licensing application to be accompanied by a fee fixed by the authority. As detailed in the statutory consultation responses, the majority of landlords and agents indicated the proposed fee for the selective licensing designation area was too high and should contain a larger reduction for those landlords accredited through a relevant scheme.

1.11 The fees are calculated on a cost recovery basis. A review of Selective Licensing fees nationally have found that there is a broad range in fee ranging from £250 to £900 for a licence.

1.12 Officers have approached Ashfield District Council who are the only Council in Nottinghamshire to have implemented Selective Licensing, to learn of their experiences and the level of staffing resource they have employed to administer their scheme. Ashfield charge £250 for Accredited landlords and £350 for non-Accredited landlords. However, it is noted that Ashfield are reviewing their fees with the view to increasing them for their next schemes, they are also in the process of buying an IT system to receive and process licence applications (this cost has already been factored into Gedling’s proposal). The Financial Implications Section of this report outlines the amendments to the scheme following the public consultation and further research.

#### 1.13 Breaches of conditions and fines

The key purpose of selective licensing is to improve management conditions, therefore if the scheme is introduced, the key actions by Council officers will be to ensure that the landlords rectify problems in their properties. Those who do not apply to get a licence or breach licence conditions could, as a last resort, be prosecuted and receive an unlimited fine. The Housing and Planning Act 2016 introduced the concept of civil penalties for certain housing related offences, officers are in the process of drafting a policy to implement this legislation. The income generated through civil penalties is to be spent on private housing services in the council’s area.

1.14 Exemptions of the requirement to licence a property are as follows:

- Local Housing Authorities or Registered Social Landlords tenancies
- Holiday lets
- Where a family member rents the property from you (proof required)
- Long lease tenancies (21 years)
- Business tenancies
- Properties where the council has taken action to close the property down.

1.15 Results of the Public Consultation

The public consultation on selective licensing in Netherfield was held between 16<sup>th</sup> October 2017 and 5<sup>th</sup> January 2018. To bring the consultation to the attention of stakeholders and seek their views the Council used the following methods:

- 2 rounds of leaflet drops to every residential property in the Netherfield ward, businesses on Victoria Road, and a series of posters in public noticeboards in the vicinity.
- 2 public briefings for residents and the St Georges Centre, Victoria Road, Netherfield. These briefings were attended by 22 residents.
- A briefing event for landlords and managing agents at Gedling Borough Council Chamber. This briefing was attended by 38 landlords and managing agents.
- A press release and photo opportunity at a private rented property in the Netherfield ward that was covered by local media including the Nottingham Post and Gedling Eye
- Tweets and Facebook Posts on the Councils Corporate Social Media platforms.
- A mailshot was sent to over 100 landlords and agents known to own and manage properties in Netherfield ward according to Housing Benefit and environmental health records
- An article in the autumn edition of Contacts magazine that was sent to every resident of the borough.
- An independent meeting with representatives from the National Landlords Association (NLA) and the East Midlands Property

Owners Group (EMPO).

- A meeting with Nottinghamshire Police Local Inspector and Police Sargent for the ward.
- A meeting with representatives from Nottinghamshire County Council Public Health Department.
- A meeting with representatives from the Netherfield Steering group which includes local Councillors, Service Providers, and representatives from the Netherfield community.

1.16 The consultation questionnaire was hosted on the Council's website and Cabinet are required to take into consideration the responses raised in the consultation before reaching a decision. 83 responses were received via the website and a further 4 written representations were received directly by the Council. A summary of the headline statistics from those responding to the online survey are attached in Appendix 3.

1.17 83% of respondents own, live in or manage a home in Netherfield and are stakeholders in the area. There is good level of public support for introducing a scheme with 63% of residents and local service providers in support of the proposal to introduce a selective licensing scheme.

1.18 Appendix 4 shows a summarised log of the issues raised during the consultation process and how the council has responded.

Some of the comments in support of the proposal include the following:

*"there is definitely an issue in Netherfield"*

*"there are a number of rented properties where we live and most of them are scruffy looking from the outside, the windows and curtains are filthy, the gardens are a mess. If the tenant is not going to keep the property neat and tidy the landlord should be made to do so. There is also a lot of anti-social behaviour from these properties. Nobody knows who to complain to."*

*"there are large pockets of deprivation in Netherfield. Some property investors see this a great opportunity for high gain returns. The downside is that people on low incomes are affected and have to live in poor housing conditions. There are properties in Netherfield that have single glazed windows, damp and no central heating or hot water. This shouldn't be tolerated. It's clear that this area needs to be regulated and improvements need to be done."*

*"housing quality and the safety of citizens has strong and clear links to improved outcomes for people. This is a key step in the right direction to*



*adding some control to a rental sector within which there have been clear historical issues.”*

*“I believe the introduction of licensing will help prevent the exploitation of low income tenants and improve the quality of housing that is available to residents of Netherfield. The system will help regulate what’s going on in the private sector and we full support Gedling Borough Council’s proposals. Everyone deserves a safe and secure home. Being a landlord or a property investor should be seen as a business and NOT a investment.”*

- 1.19 52% of all respondents were landlords or managing agents, and as anticipated many of these are not supportive of the proposal to introduce licensing which will include checks on properties to ensure minimum standards are achieved and a licence fee. Many respondents reported comments that the licence fee is too high and are concerned that costs will be passed on to tenants.

Accordingly it is proposed if the scheme is to go ahead that the licence fees will be reduced from the initial proposal prior to the consultation. A greater fee reduction will be offered for Accredited landlords – these fee reductions have been calculated by reducing the staffing resource based on feedback from Ashfield District Council’s experience of implementing a similar scheme.

Landlord Accreditation is a practical way to improve the quality of private rented accommodation by setting out standards for their members. Most schemes with into three general models, either, property based, management standard based or a hybrid involving a combination of inspection and landlord management standards. Joining Accreditation schemes are voluntary but can achieve a number of benefits for landlords such as access to advice, support and training, as well as gaining a market advantage for tenants who want assurance their landlord operates professionally.

- 1.20 Other comments in the consultation both in support and against the proposal indicated that if the scheme is to go ahead that it should apply to other areas in addition to Netherfield.

Netherfield has been selected as there is clear evidence supporting the introduction of Selective Licensing. If this report is supported it is proposed that a further review is carried out within 18 months of the introduction of a scheme to evaluate the learning and benefits of the introduction of a scheme to Netherfield and consider whether there is evidence to support extending a Selective Licensing scheme to other areas of the borough.

- 1.21 As outlined in para 1.15 above a dedicated meeting was held with both main landlord associations in the Nottinghamshire area; EMPO and NLA. Both organisations also attended the landlord and managing agents briefing event and submitted written responses to the consultation.
- 1.22 EMPO offered general support for the proposal recognised it as an effective tool to improve housing conditions and that it is a targeted and focused scheme, however they have raised concerns around the fee level being too high and advised a fee set at the right level is an important part of the scheme. EMPO also briefed their members about the scheme at their local meeting on 9<sup>th</sup> November 2017.
- 1.23 NLA were less supportive of the proposal and submitted a written letter to the Council not via the website. NLA comment that the council's proposal is flawed, they disagree that landlords have any responsibility for antisocial behaviour of their tenants outside their property and their only course of action can be to serve notice to evict their tenant.
- 1.24 NLA consider that the introduction of selective licensing will lead to the displacement of tenants and migrant labour and will stigmatise Netherfield. NLA have requested further supplementary information supporting the council's proposal which has been responded to as a freedom of information request.
- 1.25 Cabinet are asked to note the comments by NLA but recognise that there are counter arguments to all of the comments raised by NLA. Selective licensing is outlined by Government in their explanatory guidance (issued when the powers were created) as an important part of their strategy to tackle and address antisocial behaviour. Guidance released by Government "*problems are known to arise when landlords let properties to anti-social tenants and then fail to take the action that is open to them to deal with the tenants' behaviour. The problems of vandalism, empty properties, drugs, crime and general disorder have a significant impact on the quality of life of people living in the neighbourhood of these properties*" Selective Licensing was created as a mechanism to work in collaboration with other powers to address these issues.
- 1.26 In the experience of the Public Protection Service and Nottinghamshire Police, landlords can play a key role in engaging tenants in behavioural change. Selective licensing will enable enforcement partners to engage with landlords at an early stage as they will be identified by the licensing regime. This is not currently the case and as commented in para 1.18, above the community doesn't know who owns private rented homes and who to complain to. Engaging with absent landlords is a challenge for the Police, Council and other partners. Enforcement agencies consider the displacement of problematic tenants as an effective deterrent and tool in addressing and bringing about behavioural change associated with

criminal and antisocial behaviour.

- 1.27 The NLA and other respondents to the consultation who suggest landlords have a limited role in addressing crime and ASB also fail to recognise the role of the council and partners in investigating and identifying criminal and ASB issues which will be enhanced through the inspection process, presence in the ward, and more informed decision making due to the information available to the council as a result of the licensing regime. Furthermore the council will directly address any criminal landlords identified in the area if they fail to licence their properties or provide accommodation below the minimum legal standards.
- 1.28 It is considered that the introduction of selective licensing will enhance the Netherfield area as the Council and partners will work together to address the issues of crime, ASB, poor housing conditions and deprivation as evidenced in the proposal document.
- 1.29 Regard must also be had to the Council's duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between protected groups, including consideration of the Equality Impact assessment attached at Appendix 5 to this report. The assessment reflects the material comments that have been expressed and the different sectors of the community that have responded to the consultation. Cabinet must consider what impact of the proposals will be on the needs of those with protected characteristics and whether the need to introduce a Selective Licensing Scheme and potential positive outcomes of the Scheme outweighs the potential negative outcomes.

## **Proposal**

- 2.1 It is proposed that Cabinet approve the designation of the Netherfield Ward shown outlined in red at Appendix 1 to this report as being subject to Selective Licensing with effect from 1 October 2018.
- 2.2 It is proposed that Cabinet approve the licence conditions to be attached to licences issued under the Selective Licensing Scheme as set out at Appendix 2 to this report.
- 2.3 It is proposed that Cabinet authorise the Director of Health and Community Wellbeing to publish a Notice of Designation in accordance with the Housing Act 2004.
- 2.4 It is proposed that Cabinet approve the licensing fees as set out in Table 1 of paragraph 4.2 of this report.
- 2.5 It is proposed that Cabinet authorise a review of the scheme in 18 months, the

outcome of the review will be reported back to Cabinet

- 2.6 It is proposed that Cabinet note the financial and staffing implications associated with the Selective Licensing Scheme.

### **Alternative Options**

- 3.1 Legally, it is required that Councils, before they implement any selective licensing scheme, must have considered any other course of action that might provide an effective method of achieving the objectives that such a scheme would bring.
- 3.2 This may include voluntary measures such as accreditation and giving the opportunity for local landlords to prove that they are committed to ensuring the quality of the private rented sector. Such a voluntary scheme does bring a set of standards relating to management or physical condition of privately rented accommodation and, in that, it does recognise and rewards landlords who manage their properties to a good standard. It does not, however, bring a *mandatory* test of a landlord being a fit and proper person to be the licence holder or a *mandatory* requirement to comply with licence conditions.
- 3.3 Officers also considered not seeking a scheme for selective licensing in the district but this was not pursued as it would not address poor housing conditions and improve property management and address crime and antisocial behaviour in the Netherfield ward.
- 3.4 Officers also considered introducing a district-wide scheme but this was not taken forward at this stage because the evidence is not yet sufficient to consider the whole district and therefore such an application is unlikely to be supported by the Secretary of State (who has to agree to the implementation of a significantly larger scheme). However it is the Council's intention to collect data and review this position once the proposed designated scheme can be evaluated, it may also consider other ward based or smaller areas for selective licensing.

### **Financial Implications**

- 4.1 As outlined in the results of the consultation detailed in the background section of this report, concerns were raised through the consultation about the level of fees and the costs being passed onto tenants. Suggestions were also put forward to pay the licence fees by instalments. Guidance issued by the Local Government Association in 2017 recommends recovery of licence fees in two parts; the first part is associated with processing the licence application and the second part is charged only to those applicants who receive a licence and covers the costs associated with compliance and enforcement of the licence.

The introduction of 2 part fees will go some way to addressing the concerns

raised in the consultation about meeting the fee costs and will spread the costs for landlords. The part 2 fee will need to be paid once the Council has processed the application, inspected the property and is ready to issue the licence. Issuing the licence will be conditional to the applicant paying both parts of the fee, without which they will be operating without a licence which is a criminal offence.

It is not recommended for this scheme to introduce payment by annual instalments for the following reasons:

- it will introduce confusion for landlords over the correct fee due to the variety of fee levels that would be required for Accredited and Non-Accredited landlords and the 2 part fee system as recommended by the LGA.
- It will place additional burden and costs on the council to manage payment plans and direct debits and continually check the income receive throughout the 5 year period of the scheme
- It will increase the risk for the council of not collecting the full level of income required to provide the service. Landlords could cancel their direct debit arrangements or not pay future instalments and the Council would then need to carry out enforcement to recover the costs.

This recommendation is consistent with the Council’s Financial Regulations which recommend collection of income in advance to avoid the time and cost of administering debts.

4.2 The total proposed licence fees have been reduced from £650 for accredited landlords and £675 for non-accredited landlords to the new proposed fees set out in the table below:

Table 1

<b>Landlord type</b>	<b>Part 1 fee</b>	<b>Part 2 fee</b>	<b>Total</b>	<b>Number of Properties</b>	
Accredited Landlords	£360	£130	£490	<b>254</b>	(estimated 40% Accredited)
Non Accredited Landlords	£475	£165	£640	<b>381</b>	(estimated 60% Non-Accredited)
			<b>Total</b>	<b>635</b>	

4.3 To accommodate the reduced licence fees as outlined above the staffing resource has been reduced to maintain full cost recovery of the service. Prior to consultation it was proposed to have the following:

Table 2

<b>Original Staffing proposal prior to consultation</b>
One Senior EHO Band 10 (permanent) One Deletion Environmental Health Officer Band 9 One Housing Improvement Officer Band 8 (permanent) Two Housing Improvement & Enforcement officers (Band 7/8 2yr fixed term)

- 4.4 Following the consultation, taking into account the views of stakeholders about the fees and learning from the experience and resources utilised at Ashfield District Council the proposed staffing structure is outlined in table 3 below. The proposal is that there will be three temporary Band 8 posts (rather than one permanent and two temporary). Initially an existing EHO will be recruited through a competitive process into a new Senior EHO for a period of 2 years with an option to extend for a further year. 18 months after the commencement of the scheme a review will be completed which will include consideration of the staffing resources and fees and whether to create any permanent positions. This will allow the service to accommodate any variance from the projected income level. The costs of the new structure are outlined in the following table:

Table 3

<b>Proposed Staff structure following consultation</b>
Establish Senior EHO position through an honorarium to an existing EHO for initial 2 year period with option to extend.
Two temporary Housing Improvement & Enforcement Officers 2yr Fixed Term - Band 8, employed in years 1 & 2
One temporary Housing Improvement and Enforcement Officer Band 8 (2yr), employed in years 2 & 3

The proposed staffing structure has reduced the overall costs of the scheme as 4 temporary positions will be created which will be kept under review as the scheme proceeds.

- 4.5 The table 4 over the page outlines the 5 year projected costs and income. The IT costs have increased from the original proposed costs to include training and running costs of the mobile hardware devices to be used by the service. The original proposed only included the setup costs for the web-based

application processing system and the hardware costs.

Table 4

<b>Selective Licencing Scheme Costs and Income</b>							
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Total</b>	
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	
Additional Staff Costs	82,200	123,100	45,400	5,400	5,500	261,600	
DASH Membership Fees	5,300	5300	5300	5300	5300	26,500	
IT Costs	35,000	0	0	0	0	35,000	
Other Expenses	15,000	0	0	0	0	15,000	
<b>Total Costs</b>	<b>137,500</b>	<b>128,400</b>	<b>50,700</b>	<b>10,700</b>	<b>10,700</b>	<b>338,100</b>	
Licencing Fee Income	(272,200)	(95,000)	0	0	0	(367,200)	
<b>Total Net Contribution to Overheads</b>	<b>(134,700)</b>	<b>33,400</b>	<b>50,700</b>	<b>10,700</b>	<b>10,700</b>	<b>(29,100)</b>	

It should be noted that the number of properties used to calculate income has been based on the most current information possible. There is a risk that the number of properties, and therefore income, may be lower than expected, however scheme costs will be managed to match the demand for the service ensuring no adverse financial impact to the Council.

- 4.6 The previous tables show how the scheme is expected to perform over a five year period, the years shown do not currently reflect financial years. If this report is supported the scheme is proposed to start from 1<sup>st</sup> October 2018 however the years of the scheme stated in the table will cross over 2 financial years. Budgets will be adjusted once we have a greater understanding of when income is expected to be received and in which financial years.
- 4.7 Cabinet are asked to note the headline budget allocations in table 4 above and the staffing structure and implications in table 3. The budgets required for the selective licencing scheme have been included in the Gedling Plan 2018/19 report considered by Cabinet on 15 February 2018 and recommended to Council on 5 March 2018. Should Cabinet approve this report the staffing implications will implemented via a separate report to the Chief Executive who will approve the establishment of post in accordance with delegated authority.

## **Appendices**

- 5.1 Appendix 1 – designation and map
- 5.2 Appendix 2 – licence conditions

- 5.3 Appendix 3 – results of consultation
- 5.4 Appendix 4 – summary of issues raised
- 5.5 Appendix 5 – Equalities Impact Assessment

### **Background Papers**

- 6.1 Secretary of State’s guidance Selective licensing
- 6.2 October Report including draft proposal

### **Recommendation(s)**

That Cabinet :

- 7.1 approve the designation of the Netherfield Ward shown outlined in red at Appendix 1 to this report as being subject to Selective Licensing with effect from 1 October 2018.
- 7.2 approve the licence conditions to be attached to licences issued under the Selective Licensing Scheme as set out at Appendix 2 to this report.
- 7.3 authorise the Director of Health and Community Wellbeing to publish a Notice of Designation in accordance with the Housing Act 2004
- 7.4 approve the licensing fees as set out in Table 1 of paragraph 4.2 of this report
- 7.5 authorise a review of the scheme in 18 months, the outcome of the review will be reported back to Cabinet
- 7.6 note the financial and staffing implications associated with the Selective Licensing scheme.

### **Reasons for Recommendations**

The Council considers that the general conditions required to designate the Netherfield ward under Section 80(6) of the Housing Act 2004 are satisfied.

Selective licensing is an important component of the Councils strategy to improve the Netherfield ward which is a priority ward for the Council. It is the only option available to the local authorities that compels landlords to look at how they manage their rented properties and where required, make improvements to their management practices. It is important that this scheme will support the work of the Council and partners in improving the physical environment and economic conditions of the area.