



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Overview and Scrutiny Committee

Date: **Monday 9 December 2013**

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Time: **5.30 pm**

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Place: **Reception Room**

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For any further information please contact:

**Jane Ansell**

Members' Services

0115 901 3627

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# Overview and Scrutiny Committee

## Membership

**Chair**                      Councillor Mike Hope

**Vice-Chair**                Councillor Gary Gregory

Councillor Steve Ainley  
Councillor Patricia Andrews  
Councillor Emily Bailey  
Councillor Sandra Barnes  
Councillor Krista Blair  
Councillor Paul Hughes  
Councillor Stephen Poole  
Councillor Colin Powell  
Councillor Suzanne Prew-Smith  
Councillor John Truscott  
Councillor Henry Wheeler

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## **MINUTES OVERVIEW AND SCRUTINY COMMITTEE**

**Monday 7 October 2013**

Councillor Mike Hope (Chair)

Councillor Gary Gregory  
Councillor Emily Bailey  
Councillor Sandra Barnes  
Councillor Paul Hughes

Councillor Stephen Poole  
Councillor Suzanne Prew-Smith  
Councillor Henry Wheeler

Apologies for absence: Councillor Steve Ainley, Councillor Patricia Andrews, Councillor Krista Blair, Councillor Colin Powell and Councillor John Truscott

Officers in Attendance: S Bray and J Ansell

### **15 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Blair, Truscott, Ainley, Andrews and Powell.

### **16 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 AUGUST 2013.**

#### **RESOLVED:**

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

### **17 DECLARATION OF INTERESTS.**

None.

### **18 SCRUTINY WORK PROGRAMME 2013/14**

The Chair welcomed Mark Kimberley, Corporate Director, who, in the absence of Councillor J Clarke, responded to questions from Members on the following elements of the Leader's Portfolio:

- The Council's procurement strategy
- Co - location arrangements with partners

**Questions from Members and responses received:**

### **1. How successfully are we contracting with local suppliers?**

Members were informed that whilst the Council is not empowered through its Standing Orders to target local suppliers, it does have a duty to achieve best value. The benefit to local suppliers is assured through on-going performance monitoring, which gives specific weighting to the payment of local suppliers within 10 days of receipt of invoice.

Details of performance monitoring data circulated to Members demonstrated that around 42% of the Council's suppliers are local and a 10 day payment rate of 96.21% is achieved. A survey recently undertaken using the creditors system indicated a 99.1% satisfaction rate.

The Corporate Director explained that larger contracts are likely to be with national/multi-national organisations.

### **2. Are we still sharing a procurement officer post with Rushcliffe, and does the role bring savings to the Council?**

The Corporate Director confirmed that the shared service arrangement is still in place and that the role is predominantly concerned with ensuring our compliance with Standing Orders and EU regulations and completion of returns to National Government. Additionally the officer has an advisory role on cost saving framework agreements, such as the national mobile phone agreement.

The Corporate director further explained that any targeting of local suppliers would depend on the thresholds reached by the contract as set out in the Council's Standing Orders – for contracts under 10k, it had been custom and practice to obtain 3 local quotes, whereas for contracts over 50k the Council is required to advertise nationally. For contracts of over 130k full compliance with EU regulations would be required.

### **3. Would we target a local supplier in cases where an area of work is likely to attract a local supplier?**

Members were informed that EU regulations differentiate between works contracts of 3/4m in value and service contracts of 130k in value. The Council's Contract Standing Orders do not specify, which in practice means that building contract works are taken through quite a complex route. Members were informed that whilst there are no current plans to re-examine this situation, there is potential scope to do so in future.

### **4. How are co - location arrangements progressing?**

### **5. What are the future plans for co-location?**

### **6. What benefits are being demonstrated, and what future benefits do we hope to achieve?**

The Corporate Director gave an overview of current and imminent co-location plans, which included arrangements with:

- Nottinghamshire County Council
- Gedling Homes
- Citizens Advice Bureau
- Department of Work and Pensions
- The 'Ridewise' Charity
- Central College
- Individual staff from other organisations

Members were informed that we have recently entered into more integrated plans with the Nottingham North East Clinical Commissioning Group and are moving towards combined frontline service arrangements with the Department for Work and Pensions.

The Corporate Director circulated a floor plan of the foyer area and explained the rationale behind alterations to Customer Services, which represented a radical development to the way in which the Council would provide frontline services in future. The plan included 15 new work stations for DWP staff to enable them to provide a slightly more expanded service to that currently provided in Arnold.

Plans had been approved by the Portfolio Holder and it was expected that a lease would be signed by early November 2013, with full occupation in place by June 2014 and services commencing in Sept 2014. Shared services would include reception/greetings facilities and 'queue busting' activity. Members were informed that it would be a fully managed and expanded service which may double the number of people using the Customer Services facility.

The Corporate Director then outlined proposals for shared services with the Police Service and Nottinghamshire Police Commissioner.

Members were informed that the original plans to upgrade an area at the Depot to enable co location of Police and GBC public protection had changed, as the County Council public protection functions are now also coming on board. Proposals involve co location between all three authorities at the Home Brewery site. Interrelated to this proposal is the likely relocation of the office of the Nottinghamshire Police Commissioner to the upper floor of Arnot Hill House. A pre - Christmas signing of leases is anticipated.

The Corporate Director addressed a number of questions from Members about the financial arrangements, consistency of service and added value for customers. It was explained that the co-location proposals represent a wider strategy to establish GBC as a 'Virtual Unitary Authority' of integrated services, and that the approach is being viewed as a frontrunner which is likely to be replicated by neighbouring authorities.

The Chair thanked Corporate Director Mark Kimberley for the presentation.

### **Quarterly Performance Monitoring: Quarter 1 2013/14**

Stephen Bray, Corporate Director, provided an overview of Quarter 1 performance.

#### **In Depth Scrutiny**

The Chair asked Members to note the following arrangements for scoping meetings of the two in – depth Scrutiny reviews appointed at the last committee.

##### **1. Homelessness and hardship in the Borough**

Working Group members: Councillors Lawrence, Weisz, Blair, Paling, Hope, P. Allan, Bexon, Hewson, Hughes.

Tuesday 22<sup>nd</sup> October, 5 – 6pm in the Committee Room

##### **2. Reducing unemployment in the Borough**

Working Group Members: Councillors Wheeler, R. Ellis, R. Allan, Bailey, Gregory P. Andrews, Hewson, Hughes.

Tuesday 29<sup>th</sup> October, 5 – 6pm in the Reception Room

#### **RESOLVED:**

1. To note the information provided by Corporate directors about both specific areas of the Leader's Portfolio and wider Council Quarter 1 performance
2. To note the meetings set for in depth reviews 'Homelessness and Hardship in the Borough' and 'Reducing Unemployment in the Borough.'

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### **SCRUTINY WORK PROGRAMME 2012/13**

#### **Responses of Portfolio Holders to Scrutiny recommendations**

The Chair informed Members of the receipt of the following 5 responses from Portfolio Holders to Scrutiny recommendations:

1. Hackney Carriages
2. Inclusion and Equality
3. The Council's Engagement with the Voluntary Sector
4. Covert Surveillance (follow up)
5. Response of the Portfolio Holder for Leisure and Development to



the recommendations made by Policy Scrutiny Committee on 6<sup>th</sup> December 2012 as part of the formal consultation on the Aligned Core Strategy.

Where appropriate, working group chairs commented on the responses received.

### **Outstanding report and recommendations: Localism, Planning and Housing Review**

Members were informed that the working group for the above review has now completed its programme.

The Chair proposed that the draft final report be circulated to all Scrutiny committee members as well as members of the original Policy Scrutiny Committee working group for comments, and that the final report and recommendations be tabled at Cabinet on 14<sup>th</sup> November.

### **RESOLVED:**

1. To note the responses of Portfolio Holders to the recommendations of the following Scrutiny reviews:
  1. Hackney Carriages
  2. Inclusion and Equality
  3. The Council's Engagement with the Voluntary Sector
  4. Covert Surveillance (follow up)
  5. Response of the Portfolio Holder for Leisure and Development to the recommendations made by Policy Scrutiny Committee on 6<sup>th</sup> December 2012 as part of the formal consultation on the Aligned Core Strategy
2. That the final report of the Localism, Planning and Housing Scrutiny working group be circulated to Scrutiny Committee and Working Group Members and submitted to Cabinet on 14<sup>th</sup> November.

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### **REPORTS AND NOTICES RECEIVED BY THE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE AS REQUIRED UNDER THE CONSTITUTION OR LAW**

Members considered a list of items referred to the Chair of Overview and Scrutiny Committee as required under the Constitution or Law.

These included:

1. Items referred to the Chair of Overview and Scrutiny Committee under Contract Standing orders and Standing orders for dealing with Land

Notifications received where it has not been possible to obtain 3 quotations for a contract estimated to be between £10,000 and £50,000.

- Contract for the provision of seasonal lighting 2013
- Procurement of specialist provision for young families
- Extension of contract for professional fees in relation to obtaining planning permission, design and supervision of construction of Gedling Country Park

2. Items referred to Scrutiny under the Budget and Policy Framework

- Gedling Borough Council's Local Planning Document and the associated Sustainability Appraisal Scoping Report. The consultation period on this item will commence on 21<sup>st</sup> October and ends on 16<sup>th</sup> December. Scrutiny Members to be included as part of the formal consultation.

**RESOLVED:**

To note the items referred to the Chair of Overview and Scrutiny Committee under the constitution or Law.

**21 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 7.00pm

Signed by Chair:

Date:



**Report to:** Overview and Scrutiny Committee

**Subject:** Scrutiny Work Programme 2013/14

**Date:** 9 December 2013

**Author:** Senior Elections and Members' Services Officer

## **1. PURPOSE OF THE REPORT**

- i. To introduce Councillor Peter Barnes, Portfolio Holder for Environment and Corporate Directors Dave Wakelin and Stephen Bray, who have been invited to attend the meeting to take questions on specific areas of this Portfolio.
- ii. To receive any wider questions that Members may have about Q2 2013/14 performance.
- iii. To provide an update on the 2013/14 Scrutiny work programme.

## **2. BACKGROUND**

At the Overview and Scrutiny Committee on Monday 5<sup>th</sup> August 2013 Members agreed a programme of attendance by Portfolio Holders and relevant Corporate Directors at committee and also identified which areas of performance within each Portfolio they would like to examine. It was further agreed that questions for Portfolio Holders should be submitted in advance of each meeting, however 'ad hoc' questions may be put forward at the meeting itself.

This committee has elected to consider the following elements of the Environment Portfolio:

### **Waste strategy, energy management and sustainability**

Questions include:

- Should our development on future Housing be strongly advocating for example Solar Panels & Rain water/Grey water to be filtered and reused?

- Given the recent news that 'millions of tons' of food items that are being dumped, both by the retail trade and the public in general. What plans has GBC made to educate, facilitate, and hopefully help eliminate this wasteful attitude?
- Please provide a definition and examples of 'Sustainability' in respect of Councillor Barnes' portfolio.

### **ONGOING PROGRAMME OF PORTFOLIO HOLDER ATTENDANCE**

Listed below are details of the on-going programme of Portfolio Holder and Corporate Director attendance at Overview and Scrutiny Committee. The programme may be subject to minor changes.

- **Committee date: 10<sup>th</sup> March 2014**

Councillor Hollingsworth: Health and Housing Portfolio  
Corporate Director: Dave Wakelin

Service for review: Public Health

- **Committee date: 12<sup>th</sup> May 2014 (date may be affected by the European election)**

Councillor Pulk: Leisure and Development Portfolio  
Corporate Director: Paula Darlington

Services for review: the planning process and the town centres strategy

- **Committee date: 14<sup>th</sup> July 2014**

Councillor Fox: Community Development Portfolio  
Corporate Director: Paula Darlington

Service for review: Neighbourhood working

- **Committee date: 29<sup>th</sup> September 2014 – details to be confirmed**
- **Committee date: 15<sup>th</sup> December 2014 – details to be confirmed**

### **2.3 Covalent Performance Monitoring Report: Quarter 2 2013/14**

Members have the opportunity to review the quarterly Performance Digest which is available under “**Our priorities, plans and performance/performance management**”.

### **Summary of quarter 2 Performance**

Overall performance has improved compared with the position at the end of quarter 1. 16 of the 28 performance indicators suitable for quarterly monitoring are on target – of the remainder, 3 are at amber status and 9 are red. This does however understate performance in a number of areas – for example, with regard to new homes completed, the 107 completions in the quarter, though just shy of the 110 target, represents the best quarterly result for four years. All actions in the Council Plan are completed or on target.

### **3. IN DEPTH SCRUTINY**

Scoping meetings have been conducted for the following working groups and draft scopes are tabled for comment and approval. Both working groups are now undertaking a 6 weekly cycle of evidence gathering meetings with Portfolio Holders, Corporate Directors, partners and stakeholders.

#### **1. Homelessness and hardship in the Borough**

**Working Group members:** Councillors Lawrence (Chair), Weisz, Blair, Paling, Hope, P. Allan, Bexon, Hewson, Hughes.

**Draft Scope attached: Appendix A**

#### **2. Reducing unemployment in the Borough**

**Working Group Members:** Councillors Bailey (chair), Wheeler, R. Ellis, R. Allan, Gregory P. Andrews, Hewson, Hughes, Parr.

**Draft Scope attached: Appendix B**

A third review, ‘**Transport Links to the Borough**’ will commence in the New Year.

### **4. RECOMMENDATIONS**

It is recommended that Members:

- Put forward relevant questions to the Portfolio Holder and Corporate Directors.
- Raise any questions they may have regarding the Q2 Covalent Performance Monitoring Report.

- Approve the project scopes of the 'Homelessness and Hardship in the Borough' and 'Reducing Unemployment in the Borough' Scrutiny reviews

## **5. APPENDICES**

Appendix A: Draft Project Scope: Homelessness and Hardship in the Borough

Appendix B: Draft Project Scope: Reducing Unemployment in the Borough

## Draft Scope

<b>Scrutiny committee:</b>	<b>Overview and Scrutiny Committee</b>
<b>Working Group:</b>	<b>Homelessness and Hardship in the Borough</b>
<b>Chair of group:</b>	<b>Councillor M. Lawrence</b>
<b>Working group members:</b>	<b>Councillors: Hope, Weisz, P. Allan, Blair, Hughes, Lawrence, Paling, Hewson, Bexon.</b>
<b>Portfolio holder/s:</b>	<b>Councillor Hollingsworth</b>
<b>Corporate Director:</b>	<b>Paula Darlington</b>

### **(1) Scope**

Why this review is being undertaken

(List the specific outcomes – **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime bound)

The working group recognises the increased incidences of hardship and homelessness that are already becoming evident in the borough as a consequence of the economic downturn and recent welfare reforms.

This review aims to evaluate the current and future impact of multi-agency service provision and to establish whether further development could be achieved.

The review will also examine the implications of proposals by the County Council to reduce adult social care funding and its possible impact on key support organisations.

### **Aims**

<b>Aim</b>	<b>Corporate Values</b>
To identify any barriers for individuals in Gedling to those services engaged in the alleviation of hardship and homelessness.	<b>1. A caring and fair Council</b> that treats customers, residents, partners and staff well

	2. <b>A listening Council</b> that listens to and involves the people it serves
	3. <b>An ambitious Council</b> one that is never satisfied and constantly hungry for improvement
To ensure that services provided are reflective of the different needs represented in Gedling.	4. <b>A responsive Council</b> that is sensitive to different needs and acts accordingly
To identify whether local networks, partnerships and community development links could be further maximised to extend the reach of current provision.	5. <b>An efficient Council</b> that is responsible; that avoids waste and makes the most of what it has

## **(2) Timetable**

The review will commence in:	<b>October 2013</b>
Milestones:	<b>Work programme to be agreed</b>
The review will report in:	<b>Approximately three months</b>
Committee dates:	
Frequency of meetings:	<b>6 weekly</b>

## **(3) Information gathering and consultees**

The working group has requested the following information:

An overview of current poverty and homelessness levels in the borough  
A detailed understanding of partnership provision and levels of positive impact  
Opportunities and threats to provision

What are the main questions to be asked and of what parties?

- What are the main issues of hardship in Gedling?
- To what extent is rural poverty an issue in Gedling?
- What are the main drivers for debt and hardship?
- Where are the key points of intervention?
- How are services promoted?
- What resources are available?
- Who are our partners?
- What extra resources might be drawn in?
- What are the gaps in provision?
- What are the barriers to access to existing provision?
- What is the impact of youth homelessness on the youth service?



- Elizabeth House – an update on how this facility is benefitting the area
- How can GBC help agencies to extend/maximise their services in Gedling?

The working group will be inviting the following persons/organisations to one or more meetings to help with the review:

- Alison Bennett, Service Manager, Housing and Localities
- Framework
- Nottingham Housing Advice Service
- Nottinghamshire County Council – Adult Social Care
- NHS/Police?

### **Visits**

The working group might need to consider:

A visit to Elizabeth House

### **(4) How the community will be consulted, informed and involved**

The working group wishes to consult through:

Partnership networks

### **(5) Equality of opportunity**

The following Equality Impact Assessment method will be applied

N/A

### **(6) Resources**

The working group is supported by:

Senior Members Services Officer

### **(6) How the effectiveness of the review will be measured**

Progress on the recommendations of the review will be subject to follow up at an agreed point to be set by the Overview Scrutiny Committee.

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## Draft Scope

<b>Scrutiny committee:</b>	<b>Overview and Scrutiny Committee</b>
<b>Working Group:</b>	<b>Reducing Unemployment in the Borough</b>
<b>Chair of group:</b>	<b>Councillor E. Bailey</b>
<b>Working group members:</b>	<b>Councillors:</b> Wheeler, R Ellis, R Allan, Bailey, Gregory, P. Andrews, Hewson, Hughes, Parr.
<b>Portfolio holder/s:</b>  <b>Corporate Director:</b>	Councillor Pulk, Leisure and Economic Development  Paula Darlington

### (1) Scope

Why this review is being undertaken

(List the specific outcomes – **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime bound)

This review aims to clarify the role of Gedling Borough Council in positively influencing levels of unemployment in the Borough both in respect of local economic development and in driving partnership approaches to service delivery in this area.

The working group will also seek to identify the role of the voluntary sector and specialist agencies in supporting individuals to become job ready, and to establish how effective the links are between local businesses, schools, colleges, service providers and jobseekers.

### Aims

<b>Aim</b>	<b>Corporate Values</b>
	<b>1. A caring and fair Council</b> that treats customers, residents, partners and staff well
	<b>2. A listening Council</b> that listens to and involves the people it serves

To consider and promote innovative, practical tools to help local people into gainful employment, training and personal development.	3. <b>An ambitious Council</b> one that is never satisfied and constantly hungry for improvement
To identify the hotspots of unemployment in the Borough and establish how well the council is extending partnership services to address them.	4. <b>A responsive Council</b> that is sensitive to different needs and acts accordingly
To examine whether the council might take an even more pivotal role in harnessing multi agency responses to unemployment.	5. <b>An efficient Council</b> that is responsible; that avoids waste and makes the most of what it has

## **(2) Timetable**

The review will commence in:	<b>October 2013</b>
Milestones:	<b>Work programme to be agreed</b>
The review will report in:	<b>Approximately 3 months</b>
Committee dates:	
Frequency of meetings:	<b>6 weekly cycle</b>

## **(3) Information gathering and consultees**

The working group has requested the following information:

Statistical data regarding unemployment, economic development and business start-up in the Borough – an overview of unemployment/ economic development in Gedling. – NCC, GBC, Census.

How to set up a job-club – a practical toolkit - DWP

Information on social enterprise development and education:

Co-operative mutual Solutions – Social Enterprise support

Co-operative Studies Group – supports social enterprise skills and education

A summary of the GBC Apprenticeship scheme: Cost of the scheme, numbers appointed, retention rate and post scheme development.

Mapping exercise of local job clubs/Statutory and Voluntary Sector.

Ask DWP for – ‘How to Set up a Jobclub’ practical toolkit - step by step guidance

What are the main questions to be asked and of what parties?

- How far is GBC responsible for Employment? What influence does/can it have? Where does the Authority's responsibility lie?
  - How does Gedling fit into the bigger picture?
  - What is the statistical overview/background?
  - Where are the unemployment hotspots in the Borough and how are we working in partnership to focus services in these areas?
  - What about employment opportunities for degree level candidates?
  - How are we working with Employers in the Borough?
  - How are policies to address the impact of changes to benefits this impact in Gedling being implemented?
  - How does the responsibility filter down and who picks it up?
  - What is being done to attract employers into Gedling?
  - How can we stimulate business start-up?
  - How are the unemployment issues for different age groups addressed – i.e. under 25, over 25, 50+.
  - How does the Sustainable Travel Project fit in? Are we extending the concessionary service for the unemployed to Gedling?
  - What is being done to identify and promote voluntary sector support for the unemployed (job skills, job club etc)?
  - EU regulations – has there been any positive negative impact of national immigration policies in Gedling?
  - How far are local employers taking on local young people?
  - How can the Council promote new ways of finding jobs?
  - How are issues of self- esteem and confidence addressed?
  - What good practice could Gedling BC and the NCC share as employers?
  - What provision exists in the Borough for interview skills, CV writing etc? What about re-skilling?
  - Could GBC be more proactive in encouraging businesses to get involved with local schools?
  - What about the opportunities presented by the employment sites in the local plan, i.e. Top Wighay?
- **To be asked of various parties.**

The working group may be inviting the following persons/organisations to one or more meetings to help with the review:

- Department for Work and Pensions /Jobcentre plus
- FE Colleges inc. Central College
- Schools esp. 6<sup>th</sup> Forms – Arnold Hill School as a good practice example
- Futures – targeted work, linkages
- YISP – targeted work, linkages
- Buxton Training – a Social Enterprise working in Killisick
- Economic Development Officer – her role in identifying funding streams to tackle unemployment in the hotspots
- Gedling Business Forum – overview of local employment of local people
- Gedling Employment and Skills Group

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### **Visits**

The working group might need to consider:

Killisick employment project? Arnold Hill School/Futures session?
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### **(4) How the community will be consulted, informed and involved**

The working group wishes to consult through:

Partnership networks 6 <sup>th</sup> formers
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### **(5) Equality of opportunity**

The following Equality Impact Assessment method will be applied

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### **(6) Resources**

The working group is supported by:

Senior Elections and Members' Services Officer
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### **(6) How the effectiveness of the review will be measured**

Follow up of agreed recommendations to be undertaken at an appropriate point by Overview Scrutiny Committee.
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**Report to:** Overview and Scrutiny Committee

**Subject:** Formal consultation on the Local Planning Document – Issues and Options.

**Date:** 9 December 2013

**Author:** Senior Elections and Members' Services Officer

## **1. PURPOSE OF THE REPORT**

To invite Scrutiny Members and non - Executive Members to comment on the Local Planning Document Issues and Options and the separate Sustainability Appraisal Scoping Report as part of the formal consultation.

## **2. BACKGROUND**

The Constitution requires that new policies or changes to policies which fall within those listed under the Budget and Policy Framework are included in the Forward Plan and notified to the Chairman of the Overview and Scrutiny Committee as part of the formal consultation process.

The Chair is notified at the point the Policy or Strategy is included in the Forward Plan and, when the document is ready for consultation, it is circulated to all members of the Overview and Scrutiny Committee or tabled at an Overview Scrutiny Committee meeting, if a meeting is immediately pending.

The attached report sought approval from Cabinet on 12<sup>th</sup> September to go out for consultation on the Local Planning Document Issues and Options and the Sustainability Appraisal Scoping Report. The consultation period runs from 21<sup>st</sup> October to 16<sup>th</sup> December 2013.

The full documents relating to this and other current Planning consultations can be accessed using the following link:

**<http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/>**

### **3. PROPOSAL**

It is proposed that Scrutiny and non-Executive Members consider the Local Planning Document Issues and Options and the Sustainability Appraisal Scoping Report and put forward any comments and recommendations at this meeting.

Scrutiny responses will then either be appended to the final Cabinet report, or a paragraph included within the report which details the Scrutiny responses. Cabinet will take into account any responses received from the Overview and Scrutiny Committee before making a decision.

### **4. RECOMMENDATIONS**

It is recommended that Members:

- i) Put forward relevant comments and/or recommendations on the Local Planning Document Issues and Options and the Sustainability Appraisal Scoping Report.

### **5. APPENDICES**

**Appendix A:** Local Planning Document Issues and Options: Report to Cabinet 12th September 2013.



## Report to Cabinet

**Subject:** Local Planning Document – Issues and Options

**Date:** 12 September 2013

**Author:** Planning Policy Manager

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### Wards Affected

Borough-wide.

### Purpose

To seek approval from Cabinet to go out for consultation on the Local Planning Document Issues and Options and the separate Sustainability Appraisal Scoping Report.

### Key Decision

This is a key decision because it is likely to be **significant** in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.

### Background

1. Gedling Borough Council along with Broxtowe Borough Council and Nottingham City Council have been jointly preparing Aligned Core Strategies which cover their combined administrative areas and which set out a spatial strategy and key planning policies for development. The Aligned Core Strategies set out, along with other matters, its vision, strategic objectives, delivery strategy and spatial policies for future development. The plan covers the period up to 2028.
  2. The Aligned Core Strategies set out the broad policy direction for Gedling Borough and allocates strategic sites for development. It is not the purpose of the document to identify non-strategic sites for development. This is the purpose of a subsequent site specific development plan document, the Gedling Borough Local Planning Document.
  3. The Local Planning Document is a discussion document which is seeking views on the most appropriate sites and policies to address the Borough's development needs to 2028. This document, when adopted, will form part of the Gedling Borough Local Plan and must be in accordance with the policies of the Aligned Core Strategy and the National Planning Policy Framework. The Local Planning Document and the Aligned Core Strategy will together form the statutory 'development plan' for Gedling Borough against which planning applications will be determined.
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## Proposal

4. The scope of the Local Planning Document Issues and Options stage has been derived from a number of sources including:
  - National Planning Policy Framework (2012) and other national guidance such as Planning Policy for Traveller Sites (2012) and Community Infrastructure Levy Guidance (2013)
  - Aligned Core Strategy (Publication Version June 2012)
  - Evidence base from the Aligned Core Strategy in the form of Policy Analysis Documents (June 2012); and
  - Officer and member knowledge and informal regular meetings between Development Management and Planning Policy officers.
5. All information relating to the examination of the Aligned Core Strategy is available on the shared website <http://www.gngrowthpoint.com/examination>
6. The Local Planning Document will be borough-wide in coverage and will include site specific policies, allocations (of non-strategic sites) and designations for new housing, employment, retail, community facilities, recreation and open space, nature conservation and other land uses.
7. The document will also contain detailed development management policies. The primary purpose of these is to provide the additional detailed policies required to support the implementation of the Aligned Core Strategy and the achievement of its spatial vision, help deliver specific allocations and help in the day-to-day assessment of planning applications.
8. The first stage in the production of the Local Planning Document is the Issues and Options stage) which asks a series of questions for discussion purposes and which will inform the next stage of the document.
9. In general terms, the Issues and Options document asks if we should continue with the current policy approach taken by Gedling Borough Replacement Local Plan (2005) or whether we should take a different approach. For example, with regards to the non-strategic housing sites, the Issues and Options document refers to the Strategic Housing Land Availability Assessment (SHLAA). The SHLAA is an annual review of available housing land which considers sites within the Borough from a range of sources to assess whether it is suitable for housing development. It therefore identifies a 'pool' of suitable sites which could be taken forward as housing allocations in the Local Planning Document. The approach taken by the Local Planning Document is to ask consultees whether they are aware of any other implications of bringing forward these sites which we are not currently aware of. For the key settlements, we are asking consultees to comment on where a settlement should expand, in broad terms only. Specific sites would then be identified in the next stage of the Local Planning Document (based on the spatial strategy set out in the Aligned Core Strategy) to meet the Borough's housing requirement and the masterplanning work currently being undertaken will help inform our decisions on this. The Issues and Options document covers a wide range of land uses in addition to housing.

10. The Issues and Options stage of the Local Planning Document is available at Appendix A. Maps are saved separately as Appendices B – E (due to their large file size). The associated evidence is available to view on the Planning Policy pages of the Council's website [www.gedling.gov.uk](http://www.gedling.gov.uk) or from the Planning Policy section should Members wish to inspect paper copies.
11. The **Sustainability Appraisal** is an integral part of the plan making process and assesses the economic, social and environmental sustainability of the policies in the Local Planning Document. The first stage of the Sustainability Appraisal process is a Sustainability Appraisal Scoping Report. This is a separate document to be published alongside the Local Planning Document and will also be the subject of consultation. The Sustainability Appraisal Scoping Report is attached at Appendix F.
12. The Sustainability Appraisal also includes the scoping for **Equalities Impact Assessment**. The purpose of the Equality Impact Assessment is to highlight the likely impact of the strategy and policies on target groups and to give due consideration to taking action to improve the policies where this is appropriate and achievable.
13. Other supporting documentation considered relevant to the production of the Local Planning Document includes the Habitats Directive on the conservation of natural habitats and of wild fauna and flora which requires that any plan likely to have a significant effect on a designated habitats site is to be subject to an "Appropriate Assessment". The Local Planning Document will be developed in accordance with the findings of the Habitat Regulations Assessment, which was previously approved by Borough Council to support the Aligned Core Strategy and will be the subject of its own Habitat Regulations Assessment as options begin to be developed.

## Consultation

14. The Statement of Community Involvement, originally adopted in 2006, is currently being reviewed and is the subject of a separate report for this cabinet meeting. The proposed consultation for the Local Planning Document will be in excess of the minimum statutory requirements and provides for a six week period for statutory and non-statutory consultees. The specific details are outlined in Appendix G in accordance with the proposed revisions to the Statement of Community Involvement.

## Overview and Scrutiny Committee

15. The Local Planning Document is a development plan document which forms part of the Budget and Policy Framework. As such, it needs to be adopted in accordance with the Budget and Policy Framework Procedure Rules set out in the Constitution.
16. The document has been publicised in the Forward Plan and the Chairman of the Overview and Scrutiny Committee has been notified. When the document is published for public consultation, it will be circulated to all members of the Overview and Scrutiny Committee. If the Overview and Scrutiny Committee wishes to respond during the consultation process then it may do so. Cabinet must take any response from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council.

## Duty to Co-operate

17. The Localism Act sets out a 'duty to co-operate' which requires that councils and public bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies. The National Planning Policy Framework highlights the importance of councils working together to address strategic priorities across boundaries and development requirements which cannot be wholly met within their own areas.
18. Whilst the Local Planning Document will be progressed by Gedling Borough alone (and not on an aligned basis with other Greater Nottingham authorities, as with the Aligned Core Strategies) it is intended that the high level of collaboration and co-operation with other councils and use of a shared evidence base will continue where this is appropriate. Similarly, collaboration with other appropriate public bodies will continue.

## Next Steps

19. The Local Development Scheme contains the details of the content and the timetable for the preparation of the planning documents that the Borough Council will be preparing. An amended timetable was published with the Publication Version of the Aligned Core Strategy in June 2013 and is available on the Borough Council's website [www.gedling.gov.uk](http://www.gedling.gov.uk).
20. The next stage in the preparation of the Local Planning Document will take place in Spring 2014 and will involve drafting policies and identifying specific sites for allocation in order to produce a draft version of the final document.

Timetable and milestones:-

Stage	Date	Costs
Consultation on SA scoping report and Issues and Options document	October 2013	From existing budgets
Publication of Submission document	Autumn 2014	From existing budgets
Submission of document and sustainability appraisal to Secretary of State	February 2015	From existing budgets
Independent Examination	April 2015	Approximately £60,000
Receipt of Inspector's report	October 2015	From existing budgets
Adoption	December 2015	From existing budgets

## **Alternative Options**

21. The Local Planning Document will form part of the statutory Development Plan that all local planning authorities must prepare by law. There is an option to prepare the Local Planning Document as a single document (as is proposed) or as two separate documents to address site specific allocations and development management policies. It is considered that these two areas are best combined in order to ensure that issues are addressed in a comprehensive manner and for subsequent ease of use. This approach accords with best practice.
22. An alternative option is for a different document to be produced. However, the content of the proposed Local Planning Document has been scoped against the appropriate planning context (set out in paragraph 4 of this report) and has been prepared on the basis of asking straightforward questions on whether to continue with the existing policy approach or adopt a different policy approach.
23. Another alternative option is not to approve a Local Planning Document for consultation and instead rely on planning policies provided by the National Planning Policy Framework and the Aligned Core Strategy. However, the Aligned Core Strategy provides a broad strategic planning framework and its implementation relies on supporting detailed planning policies to be included in subsequent development plan documents. The National Planning Policy Framework gives broad policy guidance and identifies the scope of policies that should be set out in the Local Plan and states clearly that where plans are silent on a particular issue then there is a presumption in favour of sustainable development. Consequently, this option would mean less planning control over site allocations and over day to day planning applications.

## **Financial Implications**

21. The cost of the examination will be significant and these costs are unavoidable. Recent comparable examination costs have been in the region of £60,000. The precise amount will vary depending on the length of the hearing sessions which is in the hands of the planning inspectorate. The Council will set aside adequate funding for the examination and any unexpected further costs will be reported via the normal quarterly budget monitoring process.
22. The further the Local Planning Document progresses towards adoption, the greater the weight that can be attached to it when used for Development Management purposes. It should, therefore, reduce the risk and cost of appeals concerning planning applications considered and refused planning permission by the Council.

## **Appendices**

- Appendix A: Local Planning Document Issues and Options (Main Document)
- Appendices B – E: Local Planning Document Issues and Options (Maps)
- Appendix F: Sustainability Appraisal Scoping Report, including Equalities Impact Assessment

- Appendix G: Consultation Strategy for the Local Planning Document

### **Background Papers**

- None identified.

### **Recommendation(s)**

#### **THAT:**

- (a) Cabinet considers and agrees the Local Planning Document Issues and Options document and the separate Sustainability Appraisal Scoping Report as set out in the report for a six week period of consultation.
- (b) Cabinet authorises the Corporate Director in consultation with the Portfolio Holder for Leisure and Development to approve any drafting or other minor editing changes and update the documents where necessary prior to them being published for consultation.
- (c) The cost of the examination will be funded from the Local Development Framework Reserve. Other costs will be met from existing budgets.

### **Reasons for Recommendations**

23. The production of the Local Planning Document is key in terms of meeting the Borough Council's statutory duties and pro-growth agenda. The regulations impose a specific requirement for the Borough Council to undertake early consultation during the preparation of development plan documents.



**Report to: Overview and Scrutiny Committee**

**Subject: Final report and recommendations of the Localism, Planning and Housing Policy Scrutiny Working Group**

**Date: 9 December 2013**

**Author: Councillor B. Collis**

## **1. PURPOSE OF THE REPORT**

To inform Scrutiny Members of the findings and recommendations of the Localism, Planning and Housing Policy Scrutiny Working group.

## **2. BACKGROUND**

The Localism, Planning and Housing scrutiny working group was appointed to consider the implications of the Localism Act 2011 upon the Planning and Housing policies of Gedling Borough Council. The working group held its first meeting on 16 April 2012 and its final meeting on 17 September 2013.

**Working group members: Councillors Collis (Chair), Powell, Hope, Boot, Hughes, Blair, P. Allan, Miller, Lawrence, Paling, Prew – Smith.**

As agreed by Overview Scrutiny Committee, this final report and recommendations was circulated to all Scrutiny Committee members as well as members of the original working group for comments and approval, before the summary conclusions and recommendations were referred to Cabinet for consideration on 14th November 2013.

Responses to the recommendations have been requested from Portfolio Holders Hollingsworth and Pulk.

## **3. PROJECT SCOPE AND WORK PROGRAMME**

In scoping the review, members identified two clear lines of enquiry:

1. To seek clarification of the details contained in the legislation in relation to the National Planning Policy Framework, the Aligned Core Strategy, specifically Neighbourhood Planning and other ways in which Councillors and residents might influence development in their areas; what new opportunities might exist for local ownership and what new constraints and incentives might be applied to developers when considering planning applications.
2. To gain an understanding of the effect that the Localism Act might have upon existing Housing Strategies and Welfare Reform.

A work programme was drawn up consisting of alternate meetings of strand 1 and strand 2 deliberations.

**Project Scope: Appendix 1**  
**Work Programme: Appendix 2**

#### **4. FINDINGS: STRAND 1**

**Neighbourhood Planning, Site Specific Consultation on the Aligned Core Strategy, risk assessment of new powers for communities, member involvement in the National Planning Policy Framework.**

Members met with Paula Darlington, Corporate Director and Peter Baguley, Service Manager, Planning and Environment on 16 July 2012 and were provided with an overview of the National Planning Policy Framework with an emphasis upon the key policy development areas required under the Localism Act, and asked to consider where Members might wish to have an input.

##### **4.1 Elected Member involvement in the National Planning Policy Framework**

Members were informed that the involvement of Elected Members in the National Planning Policy Framework takes place at three levels:

- Via the political parties at Whitehall
- Through the local interpretation of the policy, much of which may be determined through case law
- By providing Member briefings, which could be set around those areas to which Members wish to have an input.

Interpretation of the annexes to the policy would be a key part of this. As some areas were clearer than others it was agreed that the group start with a general understanding of the policy framework, then identify some parameters on what



areas the review would focus upon. It was agreed that rather than review the policy issue by issue, the group should undertake a 'walk – through' of the whole document and during that process Members would identify the policies to which they would like to have an input.

### **Overview of the National Planning Policy Framework (NPPF)**

#### **1. Presumption in favour of Sustainable Development**

The issues for Gedling need to be addressed by having supplementary policies, i.e. there is currently no policy on cemetery provision. Is our green belt policy strong enough to withstand an inappropriate planning application for a crematorium?

By March 2013, the Aligned Core Strategy must be robust enough or we must develop supplementary policies. The policy of the current administration is one of growth - how do we ensure that growth?

Members were informed that that the Aligned Core Strategy is strong on transport policies. In the event that a new housing development goes ahead, under a section 106 contribution the County Council would advise, and there would be trigger points throughout the development process.

Members conceded this point however highlighted the need for a route to developing long term and more ambitious aspirations, i.e. road development and Light Rapid Transport systems. There are obvious benefits in working with neighbouring authorities, which enables the Council to maximise transport planning.

#### **2. Delivering a wide choice of Homes**

Key issue: Impact on the Green Belt

Members acknowledged that there are some areas that would be good places for large scale development, bringing with it the necessary infrastructure and were made aware of a number of initiatives underway to enable this to happen, including:

- Get Gedling Building
- Grow Gedling
- Locality Co-ordinator post: Newstead
- Reassessment of stalled development sites – work is underway to bring developers together to provide new impetus / identify incentives.

Members were informed that there are in total 8 key projects impacting on this policy area which fall outside of the scope of the Aligned Core Strategy. Details had been provided to the Economic Development Scrutiny Review and it was agreed that these would be cross referenced rather than duplicated.

## **2.1 Housing Mix**

Members were informed that this policy area is about how we assess housing need and ensure mixed housing (family housing, low density retired housing, affordable housing etc.) to address that need. It was suggested that whilst the assessment of housing mix should be predominantly community led, it was potentially a good area for Scrutiny to get involved in. The NPPF requires that Local Authorities deliver to a wide range of housing needs.

## **3. Requires Good Design**

This aspect involves improving/retaining the character of an area. Members were informed that the Planning Department had carried out a certain amount of audit in this area, but the issue had not been high on the list of priorities. The Council now has an Urban Design Officer in place, and therefore the capacity is there to do more. The site specific consultation on the Aligned Core Strategy will address some issues of characterisation which could be further developed in the long term in a supplementary planning policy statement on characterisation.

## **4. Conservation areas**

The Council has a duty to periodically review its Conservation sites. Members were informed that this again is lower down the priority list at present.

## **5. Healthy Communities – strategic policy 12**

This includes the provision of open space facilities. Members were assured that the Council's policies are robust in this area, which can be used to designate green space and is a positive tool to address 'village green' applications.

## **6. Protecting Green Belt Land**

It was suggested that Scrutiny may wish to be involved in reviewing the green belt boundaries with other green belt authorities. It was considered that useful discussion could be had with both Members and Communities in this area.

## **7. Addressing Climate Change**

Members were informed that we are in a fairly strong position in this area, with the following policies in place:

- The Left Bank Scheme
- The Severn Trent agreement
- Local Conditions

There is also a settlement specific policy on this.

### **8. Sustainable Urban Drainage**

Members requested that Gedling Borough Council publish some design Guidance to mitigate the issue of resident's 'tarmac-ing' over gardens. The issue also applies to floor space on new housing developments.

### **9. Conserving and Enhancing the natural environment**

Members were informed that the Council is well ahead in this area – the evidence base and process are in development. It will be important to enhance, not just to mitigate the loss of natural habitats.

### **10. Affording greater protection of Habitats**

Members were informed that this is a policy area in which the Council will need to have individual policies in place for different areas, which may involve different weightings in different areas.

### **11. Conserving the Historic Environment**

#### **Issues:**

- What is the value of an asset?
- What is the potential for its viable use?
- Is what it is proposed for suitable and sustainable?

#### **Examination of key policies underlying the Aligned Core Strategy**

Members undertook to examine in more depth the following policies underpinning the Aligned Core Strategy:

- **Policy 3 – The Green Belt**

At a meeting on 26<sup>th</sup> February 2013, Members referred to the map of the Green Belt appended to the Aligned Core Strategy document, and were informed that the Green Belt policy is about restraining unchecked expansion and coalescence, and seeks to strengthen the approach whilst allowing room for

review. Other Authorities have considered both options - with the green belt taken out, and left in. This would be difficult to do in Gedling as the Borough consists almost totally of green belt land, unless designated as urban.

#### **Questions from Members:**

##### **Is the Boundary Review about finding more safeguarded land?**

Members were informed that safeguarded land is there to allow the option for long term development and could possibly be land that is developed beyond the life of the ACS. The current Green Belt Policy would have been reviewed by then anyway.

##### **Who decides and how is it decided whether a piece of land is designated as safeguarded land?**

Members were advised that Core Strategy 2/Local plan 3 details areas that have been reviewed and Green Belt moved to safeguarded land. The proposals were identified via the Strategic Housing Land Availability (SHLAR) appraisal process, which identified the most appropriate strategic sites.

##### **The policy refers to 'infill' - where there is development proposed in villages with tight boundaries, but the proposed infill is mainly on the outskirts of villages – how is this resolved?**

Members were informed that where there is a village boundary, infill can be taken from the Green Belt if appropriate by drawing a wider line which then becomes the new boundary.

Members observed that the policy must be robust enough to halt 'leapfrog development' if necessary, i.e. between Nottinghamshire and Derbyshire. It was proposed that after the ACS has been to the inspectorate, at the point where the Green Belt Policy has to be reviewed, that could also be an opportunity to review the deleted environmental policies that were raised by Scrutiny as an area of concern during formal consultation on the ACS.

- **Policy 4 – Growth**

At a meeting on 17 September 2013 Members considered the issues underpinning the Council's policy on Growth. There is increasing demand on land supply, with more pressure to use designated employment land for housing developments. Policy 4 aims to address this by prioritising evidence bases to lead development. This is similar to the need to maintain a 5 year land supply – if we use employment sites for housing, what will we do about employment? The policy has flexibility built in to encompass innovations such as high rise employment sites and incubation developments. Pilot schemes in Radford have been looked at whereby sustainable energy manufacturing is applied to the whole supply chain.

### **Questions from Members:**

#### **How does the Policy address local shopping areas? Is there provision to enable uplifting of the economy in this respect?**

Members were informed that there is a separate policy to address Town Centres, which aims to engage communities in the growth of their town centres via the deployment of advice and grant schemes to stimulate trading. It is recognised that town centres will need to reinvent themselves due to the migration to online trading. Niche market, specialist shops are part of the solution.

#### **Do we have provision to address the increase in instant loan companies setting up in town centres?**

Members were informed that these businesses fall under use class order B2 and are legally able to trade. There is nothing in the planning system to address this. The Council does however facilitate debt advice through the Citizens Advice Bureau and is actively promoting Credit Unions as an alternative.

#### **In adopting an Aligned Core Strategy presumably there is the option to engage in 'land use swap' with our partner Authorities?**

Members were informed that whilst this option has not as yet been explored by Gedling Borough Council, it is likely that in the future we will increasingly have to view the bigger picture and consider the strategic potential of land allocation across authority borders. The Council must still at the same time determine local planning applications in terms of the Borough's own needs and supply.

#### **What can be done to stimulate employment in villages?**

Members were informed that Gedling Borough Council still manages some business units in Calverton. In Newstead a private company administers the units, and actively recruits from the local community.

Members felt that Rural Economic Development will be a key issue in respect of the Council's overarching Growth policy.

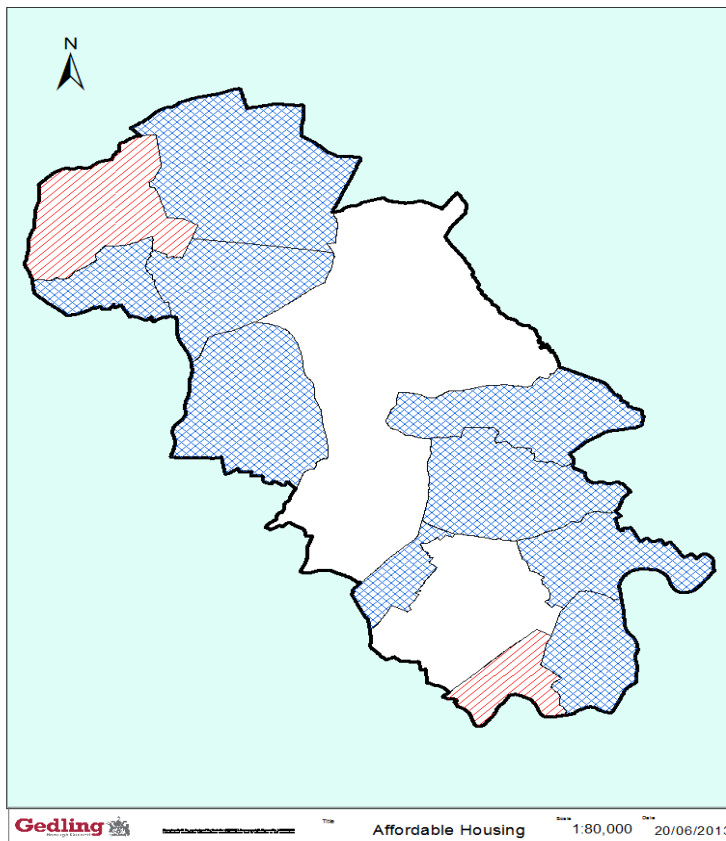
### **Policy 8 – Housing**

At the same meeting on 17 September 2013 Members were informed that this policy is not just about numbers but rather about the balance and variety of housing stock and the need to reflect both demand and makeup of communities. A key aspect of the policy is our approach to affordable housing. Gedling is the only Authority taking a flexible approach to housing. The higher band set within the policy reflects affluence in the Borough.

It is recognised however that different wards in the Borough have different needs; for instance Newstead and Ravenshead has a greater requirement for retirement properties due to its' significant aging population, whereas Arnold has a need for more social and family housing. The policy therefore needs to enable the

overarching requirements to be balanced appropriately over the whole Borough. This could involve negotiating a commuted sum to influence a developer to build in Arnold in order to offset needs in Newstead and Ravenshead. The policy also talks about a mix in the size of properties.

The council has defined its approach to affordable housing provision by designating areas in the borough for certain % of affordable housing, Please see map below:



**Figure 1**

We generally require:

- Blue - 30% affordable housing in Ravenshead, Linby, Papplewick, Bestwood, Mapperley, Woodborough, Lambley, Burton Joyce
- Red - 10% affordable housing in Newstead Village and Netherfield
- White - 20% affordable housing everywhere else.

This is based on house and land prices. Only sites of 15 dwellings or more have to contribute affordable housing.

See Affordable Housing Supplementary Planning Document for more details.

This % calculation is based on the viability of housing developments. Overall there is a need for social housing across the borough, however there is greater demand in the primary urban areas of Carlton and Arnold and the use of S.106 is one option for addressing this.

#### **Questions from Members:**

##### **How will the policy address the issue of landlords creating houses of multi occupation?**

Members were informed that landlords are required to register such properties, referred to as HIMOS (Houses in multiple occupation) and cover their insurance, health and safety responsibilities, however there are loopholes and the issue is difficult in terms of enforcement and control.

The policy does however set out to meet the assessed need for housing in the Borough. As more and more census data is released, the pattern will change and it is expected that there will be more mixed development and more flats.

##### **How are houses designated now that Gedling Borough Council has no properties, with main ownership being with Gedling Homes?**

Members were informed that the arrangements are mixed – there is liaison and dialogue with registered housing providers and Gedling BC still has nomination rights to housing association properties. Overall the Council hosts a choice based lettings scheme, which the majority of housing associations use to allocate properties by a common allocations policy which prioritises those applicants in the greatest housing need.

##### **How have the provisions of the Localism Act affected the way that Planning and Housing Strategy functions work with each other?**

Members were informed that the Localism Act has strengthened working links between the two teams, particularly in respect of pre application discussions, where the Housing Strategy and Development Officer is now in attendance and informing discussions.

Members were informed that briefings would be given to political groups in Autumn 2013 on the Government ruling on affordable housing.

The Council's Mortgage Guarantee Scheme, called the Local Authority Mortgage Scheme (LAMS) has been able to help some residents to get onto the property ladder.

#### **Policy 17 – Habitats (Biodiversity)**

At a meeting on 20<sup>th</sup> Sept 2012, Members were informed that the Habitats (Biodiversity) policy sets out a new approach to the assessment of potential development sites. The Council has signed up to a pilot scheme to work with a new measure which much more accurately identifies the amount and the quality of biological elements and we can therefore score an area in terms of its' biodiversity levels.

The policy also represents more of a managing approach, allowing the Council to mitigate more in respect of development proposals. However, Members understood that it would still need to be a very special habitat to prevent a development, if that development meets the criteria of the wider policies.

#### **Questions from Members:**

##### **What influence would the policy have in respect of a single garden?**

The recent impact on drainage of the paving over of gardens was discussed. Members were informed that there would likely be a cumulative effect of paving over gardens – the policy area on 'design and impact of drainage' would address this in some instances, however maybe a generic development policy would be needed, i.e. one that states a minimum area of a garden to be left grassed, etc.

Corresponding flexibility would need to be included in the biodiversity policy to enable the Council to embrace and address new environmental circumstances.

Members were informed that the Biodiversity Officer is currently looking in detail at biodiversity and habitats.

#### **4.2 Meeting with Darrell Pulk, Portfolio Holder for Leisure and Development**

On 30 Oct 2012 the working group met with the Portfolio Holder for Leisure and Development to discuss the potential for the greater engagement of Members in pre application discussions and in wider development plans in their constituencies. The following recommendation was put forward:

'That a Policy Sub Group of the Planning Committee be established to take forward Member engagement in the design of the site specific consultation for the Aligned Core Strategy, have an input to generic development control policies and to commence the on-going review of the Aligned Core Strategy itself.'

The recommendation was not accepted as the proposed sub group was deemed to be constitutionally unviable.

The outcomes of the discussion were subsequently considered by the Overview Scrutiny Committee and alternative recommendations included in the recommendations of this report (item 7 recommendations 15 - 17).



#### **4.3 Formal consultation on the Aligned Core Strategy: Policy Review Scrutiny Committee 6 December 2012**

During the course of this review, a meeting of the Policy Review Scrutiny Committee was convened to consider the final draft of the Aligned Core Strategy as part of the formal consultation.

The recommendations of that committee are listed for reference in the work plan at appendix 2 and were put forward to Cabinet on 10 January 2013.

#### **4.4 Site Specific Consultation on the Aligned Core Strategy**

**Key concerns of group members:**

- **Consultation on housing stock**
- **The impact and flexibilities of commuted sums / windfall sites**
- **Affordable/Social Housing**
- **Members adding value to the methodology of the consultation**

#### **Engaging with site specific consultation on the Aligned Core Strategy**

Members were informed that planning briefings would be taken forward as part of the site specific consultation on the Aligned Core Strategy, and that all Members would have the opportunity to participate in / examine this process.

Members considered the question of meaningful consultation with residents on what is in reality a highly technical process. How can the Council ensure that site specific consultation on the Aligned Core Strategy enables local people to have a say in shaping their local environment?

The engagement process should seek to make clear some of the constraints and conditions that must be adhered to, and should therefore also ensure that residents have access to the evidence base and are able to consider the integrated picture, i.e. transport choices.

#### **4.5 Neighbourhood Planning and other new powers for Communities**

**Group members' questions and concerns:**

- What do we as a Borough Council consider to be a democratic and practical neighbourhood forum? How big/how small – what is the minimum / what is local?

- Who sets the parameters/ who makes the decision?
- Is it open to the whole community?
- Does it include/exclude local councillors?
- The need for clear, concise criteria that will leave no opportunity for legal challenge

Members were informed that Neighbourhood Forums can be set up to prepare neighbourhood development plans in those areas not covered by parish or town councils. Neighbourhood forums and the boundaries of the neighbourhood area can be proposed by the community but must be agreed by Gedling Borough.

Membership of the Neighbourhood Forum must meet certain conditions:

- Membership is open to individuals who live or work in the proposed neighbourhood area
- Membership is open to elected members of district councils or county councils
- There should be at least 21 members each of which lives or works in the neighbourhood or is an elected member.

Gedling Borough Council would need to consider whether the proposed neighbourhood forum represents a broad section of the community including residents, businesses and elected members and whether membership is drawn from different places within the proposed neighbourhood area. Elected members should be actively recruited by neighbourhood forums if they are to be successfully designated. There is an expectation that elected members would be represented and with their local knowledge and council contacts are seen as key to successful neighbourhood planning.

Local groups or bodies may also be eligible for consideration as a neighbourhood forum by Gedling Borough provided they meet the requirements set out in the bullets above.

Within the areas covered by parish or town councils only the parish or town council may prepare a neighbourhood plan. The essential point is that the proposal to prepare a neighbourhood plan and to establish a neighbourhood forum (if one is needed) is instigated by the local community. The local community can choose to prepare:

- Neighbourhood development plans – setting out a vision for the area and planning policies for the development and use of land;
- Neighbourhood development orders - these can grant planning permission for certain specified developments such as house extensions or shop fronts.

The boundaries for the neighbourhood area would be proposed by the town or parish council or a community group but must be agreed with Gedling Borough who may revise the boundaries provided it has good planning reasons to do so. It will therefore be important to establish clear and consistent criteria against which Gedling Borough can consider proposals based on:

- The characteristics of the neighbourhood area
- Policy priorities for the area
- The coherence of the boundaries in planning terms
- Planning purpose

Government is not prescribing how boundaries should be set. There is no one size fits all and different factors will have different importance and priorities for different areas and there is likely to be considerable variation even possibly within Gedling Borough. Where an area is proposed that covers predominately a business area such as a town centre then Gedling Borough must consider whether to designate the area as a business area. Neighbourhood areas may also cross local authority, parish or town council boundaries. However, only one plan can be prepared for each neighbourhood planning area. If there are overlapping proposals Gedling Borough would need to arbitrate and decide which boundary is more sensible in planning terms.

Members noted that the Council is yet to determine how the power of designation will be exercised by Gedling Borough and whether this is to be a function of the Executive or Planning Committee for example.

**What controls will communities have over development in their area – do they have a veto/is this a right?**

It is not the intention for neighbourhood plans to stop development but rather for local communities to have a real say over what the development will look like and where it will go, where there is an identified need. Neighbourhood plans must be consistent with national and local strategic planning policy and be based on evidence. Plans that do not conform should not be adopted.

Neighbourhood development orders grant planning permission for certain specified developments within a neighbourhood area, for example, house extensions or shop fronts. There would be no need to apply for planning permission provided the development complies with the neighbourhood development order. They are similar to Local Development Orders which local planning authorities may prepare.

**Where does the local voice fit in on ‘windfall sites’?**

“Windfall sites” that have not been previously identified in development plans must obtain planning permission from Gedling Borough in the normal way. Gedling Borough Council has established policy for consulting the local community on planning applications which is set out in the Gedling Borough’s Statement of Community Involvement. Peoples’ comments on planning applications will be considered as part of the planning decision making process.

**Community right to build and right to protect – what does this mean?**

Community right to build orders are similar to a neighbourhood development order where constituted community groups would be able to take forward new local developments without the need to go through the planning application process provided the proposals meet certain criteria and there is community backing in a local referendum. Where the community agrees, the types of development could include for example, additional affordable housing, new shops or new community facilities.

It is assumed the question about the community right to protect is a reference to the community right to bid. This enables community groups the opportunity to bid for community buildings and facilities that are important to them for example, village shops, local pub or community centre and so safeguard them for the future. Gedling Borough will be required to maintain a list of community assets. If the owners (public or private) wish to sell the asset then they are required to notify Gedling Borough who would notify local interest groups. If groups are interested they must submit a bid within a period of six months to buy the asset.

**Housing/Planning Policy: What constraints will Gedling Borough be able to put on planning policy?**

Gedling Borough must provide technical advice and support to communities preparing neighbourhood plans but can decide what this should be. Early engagement with local communities will be essential to ensure that neighbourhood plans tie in with the strategic plans and policies for the area, as the neighbourhood plan must be consistent with national and local strategic

planning policies. On submission of a neighbourhood plan, Gedling Borough must check it for consistency with national and local strategic policies and other legal requirements prior to it being examined by an independent examiner.

The examiner will consider whether the neighbourhood plan is fit for purpose and consistent with national and local strategic policy and whether it is based on robust evidence. The examiner must produce a report and recommendations about whether to adopt the plan and may suggest amendments. The decision on whether to accept any such recommendations rests with the Gedling Borough. If Gedling Borough is happy then it must put the plan to a referendum. If supported the plan must be adopted.

### **What is the difference with current planning policy?**

Gedling Borough would remain responsible for strategic planning and the preparation of strategic policies to be set out in the Local Plan<sup>1</sup> (the emerging Gedling Borough Aligned Core Strategy). Any neighbourhood plans prepared must be consistent with this local strategic policy and this would be determined by Gedling Borough.

Once the neighbourhood plan is adopted it would become part of the development plan (or Local Plan) for Gedling Borough. As such neighbourhood plans would need to be given due weight by Gedling Borough when making decisions on planning applications in the neighbourhood area.

The determinations of planning applications will continue to be made by Gedling Borough Council as local planning authority.

### **Will Localism change the details in policies, for example the Aligned Core Strategy?**

No, the Gedling Borough Aligned Core Strategy will remain the key planning strategy for Gedling Borough setting out the strategic planning framework. A neighbourhood plan prepared by a Parish Council or neighbourhood forum must be consistent with the Gedling Borough Aligned Core Strategy.

### **Will the Housing Strategy be amended? (Refers to Local Plan/Aligned Core Strategy)**

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<sup>1</sup> The term local plan is used which means the development plan for the local area. It includes development plan documents prepared under the Planning and Compulsory purchase Act 2004 including the Gedling Borough Aligned Core Strategy.

No the broad locations for development, including for housing development and the housing numbers will be decided through the preparation and adoption of the Gedling Borough Aligned Core Strategy which is the responsibility of Gedling Borough. Affordable housing will be sought within the context of strategic policy in the Aligned Core Strategy and by setting local targets based on evidence of need and viability as set out in the Affordable Housing Supplementary Planning Document.

### **Key issue - what differences will Localism make?**

The key difference is that the initiative to prepare a neighbourhood plan rests with the local community who can have a real say in the type and location of development. Once adopted the neighbourhood plan becomes part of the statutory development plan.

It is currently difficult to judge what level of interest there might be from local communities wishing to engage in neighbourhood planning. It is likely that there will be more interest in preparing neighbourhood plans in order to influence the location and type of development as opposed to neighbourhood development orders which permit certain types of development. Neighbourhood plans must be based on robust evidence and meet the requirements of legislation. This is likely to mean that local communities wishing to instigate a neighbourhood plan may face capacity and resource constraints.

Neighbourhood plans set out a vision for the area and planning policies concerning the development and use of land in the neighbourhood area. It should be stressed that neighbourhood plans are about supporting growth and must be consistent with national planning policy and the policies in the local planning authority's core strategy. However, there is considerable flexibility about what kind of content they can contain and they could for example, provide guidance on the location of new homes or offices and what green spaces should be protected.

The working group pursued the opportunity to observe a Neighbourhood Planning process, as an intention had been submitted to Gedling Borough Council to develop a Neighbourhood Plan. It was considered that the group could then make an informed comparison between the site specific consultation and the engagement process involved in developing a Neighbourhood plan, and identify which had been most effective in helping to shape sustainable communities. In the event however, the Parish Council in question declined the groups' request. Additionally, the Site Specific Consultation on the ACS was deferred to autumn 2013 and examination of the outcomes fell outside the timeframe of this review.

## **5. FINDINGS: STRAND 2**

### **Housing Strategy and Welfare Reform: Review of policies under the requirements of the Localism Act.**

Members met with Portfolio Holder Jenny Hollingsworth, Corporate Director Paula Darlington and Service Manager Alison Bennett on the 18<sup>th</sup> July 2012 and were provided with an overview of requirements of the Localism Act to review the housing provisions listed below and provided with details of specific areas where elected members' views would be sought:

#### **Overview of requirements to review under the Localism Act: Appendix 3**

### **5.1 Discharge of homelessness duty into the private sector**

Members were informed that at present, if the Council secures a homeless person a suitable offer of social housing, and they turn it down, the Housing Needs Team can then discharge the Council's duty to secure them accommodation (i.e. we are under no duty to make a further offer). If the offer is for private rented housing, the client can choose to turn it down without the duty ending. When section 148 & 149 of the Localism Act 2011 are commenced, this will bring private rented housing into line with social housing.

**Members were informed that the policy will seek a Portfolio Holder (Executive) decision on the following key issues:**

- 1. Whether or not we should offer homeless people private rented housing in discharge of the duty to secure them accommodation.*
- 2. If yes, how we will determine what a suitable offer will be?*

Members were informed that the Government will shortly publish statutory guidance on this, which would be used as the basis for any policy. This covers issues such as location, affordability, size of property, length of tenancy, and how people can appeal if they think the offer is not suitable. There may be additional local factors which the Portfolio Holder may wish to be included where possible.

### **5.2 Allocation to qualifying persons**

Using new powers in the Localism Act, the government published new guidance on the allocation of social housing on 29 June 2012. Any new allocations scheme that a local housing authority adopts must now comply with this guidance. The guidance allows local authorities, if they choose, to exclude certain categories of

people from the housing register, i.e. those with no housing need. Members were informed that there is therefore a need to draft a new allocations scheme and the following issues would require member decision:

1. *Whether or not certain groups of people (for instance, those with no identified housing need) should be excluded from the housing register.*
2. *A range of proposed changes to the current allocations policy, covering issues such as the circumstances that lead to each priority banding and how long people remain in each band. Equally, members may wish to raise other aspects of the current allocation policy for revision.*
3. *Whether or not GBC would wish to give additional preference to armed forces personnel (with links to the Community Covenant).*
4. *If members wished to give preference, in terms of either bands or waiting time, to applicants with certain characteristics, such as:*
  - a. *In employment in the Borough*
  - b. *Have been undertaking voluntary work in the Borough*
  - c. *Are “key workers” – emergency services personnel etc.*

Members were made aware that there is an added complexity in that we currently share a Common Allocations Policy with Broxtowe and Rushcliffe borough councils in order to operate a single allocations software system. If any of the three councils decided they could not continue with a joint allocations policy, this may lead to significant costs in reconfiguring the system to take account of different policies.

### **5.3 Duty to produce a Tenancy Strategy**

Work has commenced in partnership with Broxtowe Borough and Nottingham City councils to produce a shared Tenancy Strategy in compliance with section.150 of the Localism Act 2011. Nottingham City Council has recently indicated that their members are content to proceed with a shared strategy.

#### **Member decisions would be required on the following issues:**

1. *Whether GBC wants a shared or Gedling-specific Tenancy Strategy;*
2. *Whether or not GBC wants to see housing associations use fixed term tenancies for social housing;*



3. *If so, what an appropriate length of fixed term tenancy would be and what would be the criteria in deciding whether to renew it or not.*

For example the Council may decide that we would like to see a percentage of fixed term tenancies issued to those requiring family housing, which would run for 5 years, and would enable the housing association to re-assess their housing need as a means of tackling under occupation, e.g. in those cases where the children have left home.

#### **5.4 Access to the Housing Ombudsman**

Members were informed that the proposed changes relate to how cases are referred to the Ombudsman from April 2013. The requirement is for officers to inform Members of such cases and to provide any necessary support, advice and assistance, should a Member be approached.

In response to this new requirement Gedling Homes has considered altering its' internal complaints process, to include the involvement of a local Councillor at the third stage of their complaints process.

#### **The decision for members would be:**

1. *Whether or not they would join Gedling Homes internal complaints panel, if asked. Similar approaches may also be taken by the other registered providers with stock in the Borough.*

**For information** - Since it was formed in November 2008, Gedling Homes, the Borough's largest Registered Provider, has only had two complaints referred to the Housing Ombudsman.

#### **5.5 Revision of the Council's Homelessness Strategy**

Members were informed that the current strategy is in need of revision and, as discussed, the Council has been working in partnership with Broxtowe and Rushcliffe Borough Councils to carry out a full review of homelessness and produce a new shared strategy. This fits well with the partnership working which is already taking place in view of the Choice Based Lettings system, and would further enhance this service by enabling the three Councils to work with a single forum of public sector, voluntary and community sector partners, ensuring commitment to a single strategy across the whole range of organisations working with homeless people.

Members were informed that the review and strategy must be completed by July 2013 however the intention is to have the new policy adopted by March 2013.

The Homeless strategy team had commenced with a review of the cases over the last four years to identify any trends and patterns. This also provides each local authority with valuable information of where their greatest need lies and enables them to consider the type of services they should be providing to address this need. Once this had been concluded Officers would be presenting the findings to colleagues and Members, and seeking views on how best to develop the service.

Members were informed of a forthcoming consultation event taking place on 3 October at the County Cricket Ground, arranged in order to to share the findings of the review and to ask stakeholders to contribute their views and experiences to help with the interpretation of the data and set it within the context of strengths and weaknesses of existing services. Views were sought from:

- Members of each of the three partner authorities
- Housing options staff from each of the three partner authorities
- A new Inter-Agency Homelessness Forum – grown from the existing Broxtowe forum, and including CAB, Framework, Registered Providers, Hostel Liaison Group, NHS, Broxtowe Youth Homelessness, local churches and many other partners.

The outcomes would then be incorporated into a draft homelessness strategy to address the findings of the review.

The decisions members will need to make include:

1. *Whether GBC wants a shared or Gedling-specific Homelessness Strategy and inter-agency homelessness forum?*
2. *What are the most pressing problems in dealing with homelessness?*
3. *How should those problems be tackled within the resources available?*

#### **5.6 Working Group meeting 22 November 2012: Draft Joint Tenancy Strategy, Housing Allocations and Homelessness Policies.**

As part of the consultation process outlined above, Members met with Alison Bennett, Service Manager, Housing and Localities to comment on the draft Housing Allocations and Homelessness policies and the draft Joint Tenancy Strategy.

## **Joint Tenancy Strategy**

### **Questions from Members:**

**What about those tenants wishing to downsize and move within the timeframe of their fixed term agreement?**

Members were informed that the council will give priority to those who wish to downsize. This intention is set out in the draft Housing Allocations Policy.

**Members understood the position that in cases where the tenant has 2 bedrooms unoccupied, there is a case for requiring them to downsize. What provision is there to allow tenants to downsize and remain within their host community?**

It was explained that if the tenant is in receipt of benefits, they would be required to move. There are no blanket rules with regard to relocation, as the situation would be affected by the housing availability and mix in the area in each case – if the area in question was Arnold, for instance, it would be reasonable to expect relocation to the host community. If the area in question were Calverton however, where there is less social housing then a more flexible approach may need to be taken. Clients would however have the option of going on to the housing register and bidding for properties and if they were downsizing may have their priority banding increased.

Members proposed that one solution would be to include in the policy the proviso that wherever possible, and if preferred, that priority is given to rehousing within their host community those tenants that are required to downsize.

Members also highlighted a national scheme called 'Homeswap.' The Localism Act directed the amendment of the Housing and Regeneration Act 2008, which has empowered the social housing regulator to create a standard for providers of housing who assist tenants with mutual exchanges. The scheme is aimed at tenants in social housing wishing to move from one area to another, which it was felt officers would find helpful as a referral option.

Members were informed that as a matter of good practice landlords should be prioritising a regular review of under occupation. An under occupation of 1 bedroom represents a 13% cut in benefits, which has serious implications for tenants. The Housing Strategy Team has been examining the role of credit unions in helping people to manage finance.

Following the incorporation of all comments, the final draft Joint Tenancy Strategy was considered by Cabinet on 6 December 2012 and by Council on 19 December 2012.

### **Housing Allocations Policy**

The Service Manager, Housing and Localities gave an overview of the banding criteria contained within the policy. Members were informed that significant weighting has been given to medical priority, with Band 1 being the most urgent.

With 2, 200 clients currently on the housing register the reality exists that many of these individuals will not be rehoused. The surplus on the register is predominantly made up of either single people or families who are not in housing need.

In order to bid for properties, clients need to be in the top three banding categories to stand a real chance of being rehoused. The Council therefore needs to be proactive in providing referral mechanisms to alternatives, i.e. owner occupation or the private rented sector. Members understood that a reduction in numbers on the waiting list means an improved service to those in most need.

Members were informed that the Localism Act has given more power to Local Authorities as to who qualifies to go onto the housing register. As a result, the proposal is to delete band 4, and to prioritise local people / people with a local connection. This would include people who live, work or have had a family member living in the area for 5 years. In this way the Council can and must filter how we use social housing, as it is a scarce resource.

It is proposed that Domestic Violence is a high priority, and that qualifying Forces/Ex Forces personnel are also given an increased waiting time to improve their prospects for rehousing. This is another development coming out of the Localism Act, and also reflects the recent signing by the Council of the Armed Forces Community Covenant.

### **Questions from Members:**

#### **How does the policy deal with exclusions from the Housing Register?**

Members were informed that the Council has to review its' criteria for exclusions on an annual basis. Each case is currently assessed on its own merit, however if a case has gone through the courts, this would take precedence over any decision of the Housing Needs Team.

**If an individual is evicted by a landlord as a result of bad behaviour and they apply to Gedling BC for rehousing, how would it be dealt with?**

It was explained that the Council can refuse to rehouse in such cases, however the Housing Needs Team would need to be satisfied that the implications had been fully explained to the client. In general, the team prefer a case for exclusion to have been dealt with by the courts.

Members were provided with feedback from the 3 October consultation event, specifically the outcome that some other authorities opted to retain the band 4 category for inclusion to the housing register, which Gedling did not.

The result has been that Broxtowe, Nottingham City Council and Gedling Borough Council will have a joint Tenancy Strategy, however all authorities will retain separate Housing Allocations policies. Additionally, Gedling, Rushcliffe and Broxtowe will have a joint Homelessness Strategy.

**South Nottinghamshire Inter Agency Homelessness Strategy**

Members were informed that a full review of homelessness had been carried out, as required to inform the revised homelessness strategy. The Council is increasingly successful at preventative work, and has achieved major reductions in homelessness over the last four years. However, some people are still forced to apply as homeless for a number of reasons, the most common being eviction by parents, violence (including domestic violence) and loss of rented accommodation. The last of these has become slightly more common in recent years, which may reflect an expanded private rented sector, rising rents and residents struggling with the cost of living.

The strategy's action plan is focussed on ensuring all possible options are open to prevent homelessness, and does this by improving communication and information sharing between a range of statutory and voluntary partners. The strategy was to be considered by Cabinet on 10 January 2013 and Council on 13 February 2013.

The Service Manager for Housing & Localities informed members that if the temperature falls below zero degrees on three consecutive nights, the Council is obliged to accommodate any homeless person, whether or not a duty is owed under the Severe Weather Emergency Protocol (SWEP). In practice, the Portfolio Holder for Health and Housing has approved a more flexible approach, and the Council will accommodate on any night when the temperature is forecast to be below freezing.

The Council has issued recycled pay-as-you-go mobile phones to people at risk of sleeping rough, and promotes the Freephone number operated by Framework's Street Outreach Team, to make sure that anyone who needs

emergency accommodation can access it 24 hours a day, 365 days a year. The Street Outreach Team also carries out regular night time checks of places where they may find rough sleepers and responds to reports from the public, with the aim to connect rough sleepers to services and support straight away and ensure they spend “No Second Night Out”.

Members approved of the robustness of the Council’s cold weather policy and the pledge of “No Second Night Out”. Members proposed that this initiative and the Freephone number be promoted in Contacts – particularly the winter edition, and further proposed that the wider referral options and services available are widely publicised.

In summary, Members were informed that the combined aim of the strategies and policies is to apply the right filters to deploy a scarcer resource and to focus more on the needs of those with a link to Gedling Borough. The documents will be kept under constant review and there is a need to undertake development work with partnerships, housing charities and social landlords.

## **6. CONCLUSIONS**

Members concluded that the advent of the Localism Act 2011 has had a significant impact upon both Planning and Housing Strategies, in the case of Housing and Welfare reform requiring a wholesale review of policies and in the case of Planning bringing into sharp focus the role of communities and other stakeholders in helping to determine the allocation of physical development both strategically and locally.

Members took the view that at the end of this process, they would like to see some clear triggers in place in our policies and protocols so that when a planning application comes in, Members can be involved in pre application discussions, and a clear process for establishing when it is appropriate for pre application discussions to take place.

Members were therefore pleased to note the closer working relationship between Planning and Housing Strategy teams and the advent of new draft protocols for the reestablishment of pre application discussions involving Elected Members when appropriate.

Whilst the working group had been unable to observe a Neighbourhood Planning process during the timeframe of this review, they were nevertheless given the opportunity to observe the site specific consultation on the Aligned Core Strategy, which is going forward at the time of writing this report.

Members recognise that the Localism Act 2011 represents a general trend towards greater engagement between local authorities, other public bodies, communities, businesses and developers on planning issues and that the

challenge going forward will be balancing local concerns with strategic opportunities in order to achieve growth that is proportional to identified need.

In terms of Housing Strategy, Members recognise that the Localism Act more effectively tightens up and targets social housing provision on a number of recognised beneficiaries, and more effectively prioritises help for those with a local connection. Whilst it has not been wholesale, Members were pleased with the advent of joint policies between neighbouring authorities, as it is felt that a standardised approach will help control migration of demand and better ensure equality of access to provision across the conurbation.

Members noted that whilst there are increased powers for Housing Providers to choose the type of tenancies they can offer, these correspond with new and complimentary powers for Local Authorities which encourage partnership working to enable a wider range of housing options to be made available to the client.

## **7. RECOMMENDATIONS**

### **Strand 1: Neighbourhood Planning, Site Specific Consultation on the Aligned Core Strategy, risk assessment of new powers for communities, member involvement in the National Planning Policy Framework**

1. In the light of provisions in the Localism Act 2011 to free councillors to make their views known and act upon them, specifying that predetermination is no longer a valid charge in Council businesses, Members to be provided with further clarification of the difference between pre determination, pre disposition and bias as well as an explanation of the Impact Survey process (economic survey).
2. Gedling Borough Council to publish some design guidance to mitigate the issue of resident's 'tarmac-ing' and paving over gardens.
3. Identify and progress a route to develop long term and more ambitious aspirations, i.e. road development and Light Rapid Transport systems. There are obvious benefits in working with neighbouring authorities, which enables the Council to maximise transport planning.
4. Transport links are going to be crucial to the Council's growth policy – the Council should actively pursue opportunities to extend transport services along the old railway lines in the Borough.
5. **National Planning Policy Framework Policy Area: 'Requires good design'**: involves improving/retaining the character of an area. As the Council now has an Urban Design officer in place, there is capacity to do more in this policy area. The site specific consultation on the Aligned Core Strategy will address some issues of characterisation which should be

- further developed in the long term in a supplementary planning policy statement on characterisation.
6. **ACS Policy 3 Green belt:** Members observed that the policy must be robust enough to halt 'leapfrog' development if necessary. It is recommended that after the ACS has been to the inspectorate, at the point where the Green Belt Policy has to be reviewed, the Council should take the opportunity at the same time to review the deleted environmental policies that were raised by Scrutiny as an area of concern during formal consultation on the ACS.
  7. **ACS Policy 4 Growth:** Further investigate innovative approaches that could address the need for employment sites, i.e. economic development/sustainability initiatives that engage businesses, landowners and developers and bring in schools and apprenticeship schemes to establish incubation units.
  8. **ACS Policy 4 Growth / Policy 8 Housing:** The Council should investigate opportunities through the Local Enterprise Partnership to access Structural Funds 2014 - 20 for the provision of affordable housing and the development of rural economic growth.
  9. **ACS Policy 8 Housing:** Members recommended that an article is placed in Contacts highlighting the rights of tenants and responsibilities of landlords.
  10. **ACS Policy 17 Biodiversity:** The policy should include flexibility to encompass new environmental scenarios, backed up by more specific policies around the impact of paved gardens. This would require a generic development policy stating a minimum area of a garden to be left grassed. Through the same policy, encourage developers to include planting schemes in their plans.
  11. Continue to strengthen the working links between the Planning and Housing Strategy teams that have developed as a result of Localism Act.
  12. Further progress mechanisms for the Council and other public bodies to work together on planning matters, in line with the duty to cooperate on planning issues introduced by the Localism Act.
  13. Proactively view land allocation strategically across authority borders, whilst still making determinations at the local level.
  14. To whatever extent possible, establish individual diversity policies for each of the town centres in order to support their economic renewal. Investigate



and if possible replicate approaches taken in other cities on to limit the setting up of loan companies in local town centres.

15. The Council should seek to establish clear mechanisms to encourage the involvement of Ward Members and local interest groups in the development of detailed local plans.
16. Ward Members should be involved in local plans as soon the Council is approached.
17. The authority should establish a protocol and on-going process by which planning officers will work with Elected Members and the community.

## **Strand 2 recommendations: Housing Strategy and Welfare Reform**

18. Include in the Housing Allocations Policy the proviso that wherever possible, and if preferred, that priority is given to rehousing within their host community those tenants that are required to downsize.
19. The Housing Needs Team to investigate, support and promote the 'Homeswap' scheme – a national scheme which provides a standard for providers of housing who assist tenants with mutual exchanges.
20. Homelessness Strategy: It is recommended that Framework's Street Sleeping initiative and the Freephone number be promoted in the winter edition of Contacts, and that the wider referral options and services provided by the Housing Needs Team available are also widely publicised.

## **8. ACKNOWLEDGEMENTS**

Members would like to thank the following councillors and officers for their input to this review:

- Councillor Jenny Hollingsworth: Portfolio Holder for Health and Wellbeing
- Councillor Darrell Pulk: Portfolio Holder for Leisure and Development
- Paula Darlington: Corporate Director
- Peter Baguley: Service Manager, Planning and Environment
- Alison Bennett: Service Manager, Housing and Localities

## **9. APPENDICES**

- **Appendix 1:** Project Scope
- **Appendix 2:** Work Plan
- **Appendix 3:** Housing Strategy: Overview of requirements to review policies under the Localism Act 2011

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## Scope

<b>Scrutiny committee:</b>	<b>Policy</b>
<b>Working Group:</b>	<b>Localism, Planning and Housing</b>
<b>Chair of group:</b>	<b>Councillor B Collis</b>
<b>Working group members:</b>	<b>Councillors: Collis (Chair), P. Allan, Blair, Boot, Hope, Hughes, Lawrence, Paling, Powell, Prew-Smith, Miller</b>
<b>Portfolio holder/s:</b>	<b>Councillor Jenny Hollingsworth Councillor Darrell Pulk</b>

### (1) Scope

Why this review is being undertaken

(List the specific outcomes – **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime bound)

To determine the impact of the Localism Act on planning policy and the consequent effect on the Council's housing strategy.

This will include an examination of the following three key strands:

- Neighbourhood Planning, Site Specific Consultation on the Aligned Core Strategy, risk assessment of new powers for communities, member involvement in the National Planning Policy Framework
- Housing Strategy and Welfare reform: review of policies under the requirements of the Localism Act.

### Aims

<b>Aim</b>	<b>Corporate Values</b>
	<b>1. A caring and fair Council</b> that treats customers, residents, partners and staff well
To clarify what influence communities will have on development in their area	<b>2. A listening Council</b> that listens to and involves the people it serves

To identify the benefits and risks of the Neighbourhood Planning process and other key powers to communities set out in the localism act	
To actively contribute to the development of key policies as required by the National Planning Policy Framework and the Localism Act	3. <b>An ambitious Council</b> one that is never satisfied and constantly hungry for improvement
To establish how local opinion is garnered on 'windfall' sites, Housing Stock, Social/Affordable Housing.  To observe and add value to consultation processes on the Aligned Core Strategy	4. <b>A responsive Council</b> that is sensitive to different needs and acts accordingly
	5. <b>An efficient Council</b> that is responsible ; that avoids waste and makes the most of what it has

## **(2) Timetable**

The review will commence in:	<b>May 2012</b>
Milestones:	<b>Work programme to be agreed</b>
The review will report in:	<b>November 2013</b>
Committee dates:	<b>14 November 2013: Cabinet 9 December 2013: Overview and Scrutiny Committee</b>
Frequency of meetings:	<b>Every 4 weeks</b>

## **(3) Information gathering and consultees**

The working group has requested the following information:

Specific information from:

Paula Darlington – Corporate Director  
 Stephen Bray – Corporate Director  
 Legal Services – Helen Barrington  
 Peter Baguley – Service Manager Planning and Economic Development  
 Alison Bennett – Service Manager - Housing

Other Councils

What are the main questions to be asked and of what parties?

What is the impact of the Localism Act on planning policy?  
 What influence will communities have?  
 What changes will be seen in the planning applications process under the Act?  
 How will the role of the local councillor be affected?  
 What is the definition of a neighbourhood forum?  
 What developments are needed to the Housing Strategy?  
 Who ensures local housing services and planning policy are developed to address local need?

The working group will be inviting the following persons/organisations to one or more meetings to help with the review:

Paula Darlington – Corporate Director  
 Stephen Bray – Corporate Director  
 Legal Service  
 Peter Baguley – Service Manager Planning and Economic Development  
 Alison Bennett – Service Manager - Housing

## Visits

The working group might need to consider:

Undertaking a shadowing exercise of the site specific consultation on the Aligned Core Strategy

Monitoring the process and implementation of a Neighbourhood Plan

Identifying the strengths and weaknesses of each

**(4) How the community will be consulted, informed and involved**

The working group wishes to consult through:

Observation of the Council's consultation processes on the above

**(5) Equality of opportunity**

The following Equality Impact Assessment method will be applied

N/A

**(6) Resources**

The working group is supported by:

Members Services Officer  
Members Services Team Leader

**(6) How the effectiveness of the review will be measured**

Review follow up date to be included in Scrutiny Forward Plan

Possible referral to Performance Scrutiny Committee for follow up action.

## Policy Review Scrutiny Committee

### Scrutiny Review Work Programme:

### Impact of the Localism Bill on Planning and Housing Strategy

Date Of Meeting	Content of Meeting
16 April 2012	<ul style="list-style-type: none"> <li>Key lines of enquiry for project scope identified</li> </ul>
25 June 2012  Attended by Paula Darlington, Corporate Director Peter Baguley, Service Manager, Planning and Environment Alison Bennett, Service Manager, Housing Strategy	<ul style="list-style-type: none"> <li>Meeting with Housing and Planning Officers — further inform the scope</li> </ul> Agreed to split review into 2 strands: <ul style="list-style-type: none"> <li>Strand 1: Localism and Planning Policy</li> <li>Strand 2: Localism and Housing Policy</li> </ul> Work programme agreed and project scope amended - attached
Strand 1 meeting: 16 July 2012  Attended by Paula Darlington and Peter Baguley	<ul style="list-style-type: none"> <li>Overview of the National Planning Framework (NPPF) and identification of key policy areas where Member input would add value. Notes circulated.</li> </ul>
Strand 2 meeting: 18 July 2012  Attended by Jenny Hollingsworth, Portfolio Holder and Alison Bennett, Strategic Housing Manager	<ul style="list-style-type: none"> <li>Overview of policy areas linked to Housing Strategy where Member input would add value – the following were considered and the first three carried forward for further Scrutiny consultation :               <ol style="list-style-type: none"> <li>1) Homelessness strategy</li> <li>2) Tenancy Strategy</li> <li>3) Allocations to qualifying persons</li> <li>4) Access to the Ombudsman</li> </ol> </li> </ul>

<p>Strand 1 meeting: 20<sup>th</sup> September 2012</p> <p>Attended by Peter Baguley</p>	<p>5) Discharge of duty into the private Sector (Portfolio Holder Decision)</p> <ul style="list-style-type: none"> <li>• Approve policy consultation work programme linked to the NPPF – key policies extracted from the Aligned Core Strategy and set out below in order of consideration:</li> <li>• Consider the Council's policy on Habitats (Biodiversity) – <b>Policy 17</b></li> <li>• Receive an update on the likely timetable of site specific consultation on the Aligned Core Strategy</li> <li>• Consider whether the group would like to approach Calverton Parish Council to observe the Neighbourhood Planning process – PC Clerk contacted early Oct 2012 – outcome of request still awaited.</li> </ul>
<p>Strand 1 meeting: 30<sup>th</sup> October 2012</p> <p>Attended by Darrell Pulk, Portfolio Holder and Peter Baguley.</p>	<p>Met with Portfolio Holder Pulk to discuss the following interim recommendation:</p> <p>'That a Policy Sub Group of the Planning Committee be established to take forward Member engagement in the design of the site specific consultation for the Aligned Core Strategy, have an input to generic development control policies and to commence the ongoing review of the Aligned Core Strategy itself.' – <b>this recommendation was not accepted as was not deemed to be constitutionally viable).</b></p> <ul style="list-style-type: none"> <li>• Deferred to next meeting: review of policy relating to the Green Belt – <b>Policy 3</b></li> </ul>
<p>Strand 2 meeting: 22nd November 2012</p> <p>Attended by Alison Bennett</p>	<p>Consider the following draft Housing Strategies and policies:</p> <ul style="list-style-type: none"> <li>• Homelessness Strategy</li> <li>• Housing Strategy</li> <li>• Tenancy Strategy</li> <li>• Allocations to qualifying persons</li> </ul>



	All policies were reviewed at the meeting, comments taken on board and referred on to Cabinet and Council for adoption.
<b>Date of meeting</b>	<b>Content of meeting</b>
Strand 1 meeting: 10 <sup>th</sup> December 2012 (tbc)  <b>Meeting cancelled in the light of the Special Policy Review Committee consultation on the Aligned Core Strategy 6<sup>th</sup> December</b>	Review policies on: <ul style="list-style-type: none"> <li>• The Green Belt – <b>Policy 3</b></li> <li>• Housing – <b>Policy 8</b></li> <li>• Growth – <b>Policy 4*</b></li> </ul> <p>* subject to time available - may be a separate meeting</p> <p><b>Consideration of the above three policies to be carried over to the next meeting</b></p>
Strand 1 meeting 26 <sup>th</sup> February 2013  Attended by Peter Baguley	<ul style="list-style-type: none"> <li>• Review of work programme</li> <li>• Consideration of associated consultation and recommendations about the Aligned Core Strategy</li> </ul> <p><b>A) Policy Scrutiny recommendations on ACS 6<sup>th</sup> December: Considered by Cabinet on 10 Jan – PF holder response due by 10 March.</b></p> <p><b>Recommendation 1</b></p> <p>To recommend that Cabinet reconsiders whether it wishes to give weight to the inclusion of windfall provision.</p> <p><b>Recommendation 2</b></p> <p>To register concern that some of the changes listed in the Schedule of Changes</p>

	<p>would appear to weaken the Council's position against developers. For example:</p> <ul style="list-style-type: none"> <li>○ Schedule of Changes (policy 1.1) concerning the viability and feasibility of development proposals complying with climate change issues;</li> <li>○ Schedule of Changes (paragraph 3.6.9) concerning the sequential approach to retail development; and</li> <li>○ Schedule of Changes (policy 17.3) concerning the impact of development on wildlife and biodiversity sites.</li> </ul> <p><b>Recommendation 3</b></p> <p>To recommend that consideration be given to the deleted policies listed in Appendix E of the Publication Version of the Aligned Core Strategies (pages 208 – 214), where appropriate, to explore whether the content should be included in a future generic development control policies development plan document or supplementary planning document.</p> <p><b>Recommendation 4</b></p> <p>To inform the Cabinet that in noting the report the committee expressed its disappointment at the lack of time available to undertake a comprehensive review.</p> <p><b>B) Recommendations of Overview Scrutiny Committee for inclusion in final report of the working group.</b></p> <ul style="list-style-type: none"> <li>i. The Council should seek to establish clear mechanisms to encourage the involvement of Ward Members and local interest groups in the development of detailed local plans.</li> <li>ii. Ward Members should be involved in local plans as soon the Council is approached.</li> </ul>
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	<p>iii. The authority should establish a protocol and on-going process by which planning officers will work with Elected Members and the community.</p> <p><b>Consideration of Green Belt Policy 3</b></p> <p>(Housing Policy 8 and Growth Policy 4 deferred to next meeting)</p>
<p>Strand 1 meeting 17<sup>th</sup> September 2013</p> <p>Attended by Peter Baguley</p>	<p>Review Policies on:</p> <ul style="list-style-type: none"> <li>• <b>Housing Policy 8</b></li> <li>• <b>Growth Policy 4</b></li> </ul> <p>Agree winding up of review</p>

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This does not cover provisions more relevant to another department (e.g. planning), or the main provisions relevant to housing stock owning authorities.

## Localism Act 2011 – housing provisions directly affecting Gedling Borough Council

### Discharge of homelessness duty into private sector

Previously, although we could arrange an offer of private rented housing instead of social rented to end a homelessness duty, the applicant could choose whether to accept it.

When section 148 is commenced, they will have no choice so long as the property offered is otherwise suitable.

This could significantly reduce the time people spend in our temporary accommodation, freeing it up to help more families.

We need to produce a policy setting out how we will treat applicants and what we regard as suitable. This work is planned for late 2012.

We have arranged for Environmental health Officers to receive Housing Health & Safety Regulations training to assist with this process.

### Allocation to qualifying persons

Previously, any person who was not ineligible (normally on immigration grounds) could join the housing register and wait for social housing.

When sections 145 to 147 are fully commenced, a person must be eligible but must also “qualify” to join the register. The government sets certain categories who automatically qualify (those who have “reasonable preference”, such as overcrowded households).

Beyond this, we could decide that people who have low, or no housing need, do not qualify for social housing, or qualify only if they are contributing to the community, or any other appropriate and non-discriminatory approach.

This will require a revised joint Allocations Policy with Broxtowe and Rushcliffe, planned for early 2013.

### Duty to produce tenancy strategy

Housing providers can now choose whether to offer “lifetime” tenancies as before, or to offer fixed term tenancies, and can choose what to take into account when renewing them.

In developing their individual policies they must have regard to the local authority’s tenancy strategy, which must be published by 15 January 2013. The decision about what tenancy to offer a person is for the provider, not the local authority.

Subject to member approval, GBC are working on a joint strategy with Nottingham and Broxtowe. Housing providers have been consulted and a draft is nearly ready for consideration/consultation.

We aim to seek member approval for the tenancy strategy in autumn 2012.

### Access to housing ombudsman

The Independent Housing Ombudsman considers complaints from social housing tenants who feel they have not been dealt with fairly by their landlord. (It does not consider complaints about the homeless or housing register functions of local authorities).

From 1 April 2013, a tenant wishing to complain will have to approach their MP, a local councillor, or a designated tenant panel. They can then try to resolve the complaint themselves, refer it on to the Ombudsman, or decide to do neither, in which case the tenant can refer it themselves.

We need to establish whether Gedling Homes will be designating a tenant panel and, if not, provide briefing and appropriate support for members, in consultation with local MPs, to allow them to consider these complaints.

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# Agenda Item 7

## **Reports and Notices received by the Chair of Overview and Scrutiny Committee as required under the Constitution or Law.**

1. Items referred to the Chair of Overview and Scrutiny Committee under Contract Standing orders and Standing orders for dealing with Land

Notifications received where it has not been possible to obtain 3 quotations for a contract estimated to be between £10,000 and £50,000.

- Contract with Nottinghamshire Housing Advice Service in order to maintain continuity of housing debt advice service to Gedling residents.

2. Items referred to Scrutiny under the Budget and Policy Framework

Brought forward from previous committee meeting:

- Gedling Borough Council's Local Planning Document and the associated Sustainability Appraisal Scoping Report. The consultation period on this item commenced on 21<sup>st</sup> October and completes on 16<sup>th</sup> December. The report, which was considered by Cabinet on 12<sup>th</sup> September, is on the agenda for comment at this meeting. An officer of the Planning Department will be in attendance.
3. Items where the Executive proposes to take a key decision without it being published (on the Forward Plan) for at least 28 days. (New Local Authorities Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- None received

Please note that the above list may not be exhaustive; items may be referred at short notice to the Chair of Overview and Scrutiny Committee.

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