

**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.

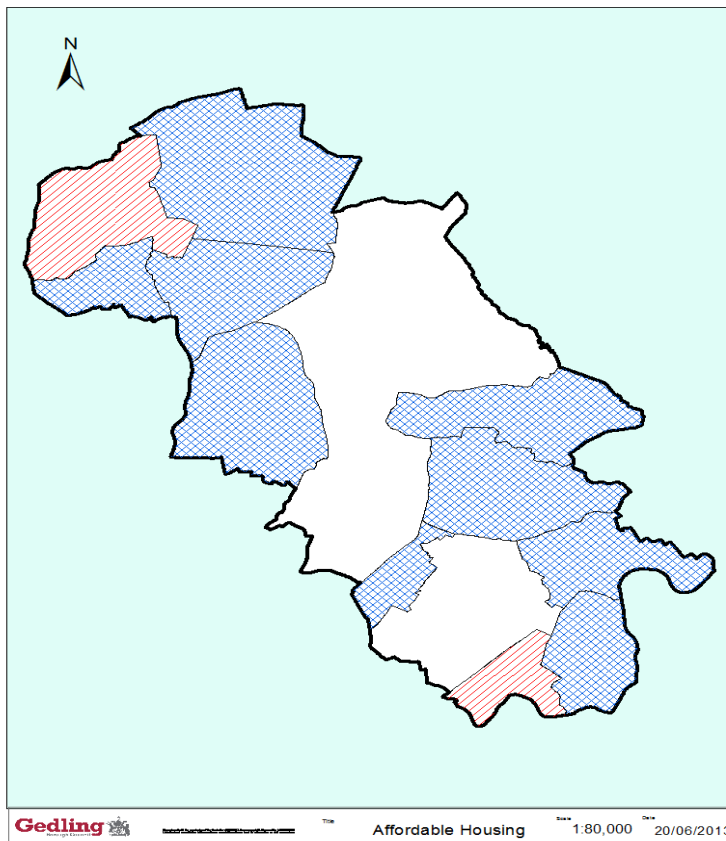
### **Policy 8 – Housing**

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)**

---

<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