

Public Document Pack

Date of meeting Wednesday, 8th November, 2017
Time 6.00 pm
Venue Committee Room 1, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

Cabinet

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in the agenda.
- 3 MINUTES** (Pages 3 - 7)
To consider the minutes of the previous meeting.
- 4 FINANCIAL AND PERFORMANCE MANAGEMENT REPORT TO END OF QUARTER TWO** (Pages 9 - 16)
- 5 FUTURE DELIVERY OF DISABLED FACILITIES GRANTS** (Pages 17 - 22)
- 6 UPDATE ON ASSET MANAGEMENT STRATEGY AND DELIVERY PLAN** (Pages 23 - 29)
- 7 PLANNING FOR HOMES CONSULTATION DOCUMENT** (Pages 31 - 45)
- 8 DELEGATION FOR NEIGHBOURHOOD PLANNING** (Pages 47 - 55)
- 9 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.
- 10 ATTENDANCE AT CABINET MEETINGS**

Councillor attendance at Cabinet meetings:

- (1) The Chair or spokesperson of the Council's scrutiny committees and the mover of any motion referred to Cabinet shall be entitled to attend any formal public meeting of Cabinet to speak.
- (2) Other persons including non-executive members of the Council may speak at such meetings with the permission of the Chair of the Cabinet.

Public attendance at Cabinet meetings:

- (1) If a member of the public wishes to ask a question(s) at a meeting of Cabinet, they should serve two clear days' notice in writing of any such question(s) to the appropriate committee officer.
- (2) The Council Leader as Chair of Cabinet is given the discretion to waive the above deadline and assess the permissibility if the question(s). The Chair's decision will be final.
- (3) The maximum limit is three public questions at any one Cabinet meeting.
- (4) A maximum limit of three minutes is provided for each person to ask an initial question or make an initial statement to the Cabinet.
- (5) Any questions deemed to be repetitious or vexatious will be disallowed at the discretion of the Chair.

Members: Councillors Beech, Kearon, Turner (Vice-Chair), J Williams, Shenton (Chair), Rout and Robinson

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

FIELD_TITLE

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY FOLLOWING THE FIRE EXIT SIGNS. PLEASE **DO NOT** USE THE LIFTS.

COUNCIL CHAMBER: FIRE EXITS ARE AT THE REAR OF THE CHAMBER AT BOTH SIDES AND THIS IS THE SAME FOR OCCUPANTS OF THE PUBLIC GALLERY.

COMMITTEE ROOMS: EXIT VIA THE WAY YOU ARRIVED AT THE MEETING OR AT THE FAR END OF THE COUNCIL CHAMBER.

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CABINET

Wednesday, 18th October, 2017
Time of Commencement: 6.00 pm

Present:- Councillor Elizabeth Shenton – in the Chair

Councillors Beech, Kearon, Turner, J Williams, Rout and Robinson

Officers Executive Director (Resources and Support Services) - Kelvin Turner,
Executive Director (Operational Services) - David Adams,
Executive Director (Regeneration and Development) - Neale Clifton,
Geoff Durham,
Chief Executive - John Sellgren and
Phil Jones - Head of Communications

1. **APOLOGIES**

There were no apologies.

2. **MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 26 September, 2017 be agreed as a correct record.

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

4. **MEDIUM TERM FINANCIAL STRATEGY 2018-19 TO 2022-23**

A report was submitted to Cabinet updating Members on the financial strategy for the Council over the next five years.

Members' attention was brought to paragraph 2.9 of the report which identified the budgetary shortfalls over the five year period. These figures were shown in more detail in the appendix.

Resolved: That the update to the Medium Term Financial Strategy for 2018/19 to 2022/23 be approved.

5. **DISCRETIONARY RATE RELIEF SCHEME**

A report was submitted to Cabinet seeking to approve the granting of Discretionary Rate Relief following the National Non Domestic Rates Revaluation.

Members were referred to the top of page 16 of the report which gave the amounts that had been allocated to this Council over a period of four years to assist smaller businesses. Details of the Scheme were appended to the report.

The Portfolio Holder for Finance, IT and Customer thanked the Executive Director for Resource and Support Services and his team for the work that had been carried out.

The Leader advised Members that she had received a letter from Marcus Jones MP – Minister for Local Government which thanked the Council for its support to local businesses.

Resolved: That the Discretionary Rate Relief Scheme, as set out in Appendix A of the report, be approved and that the Executive Director (Resources and Support Services) be granted delegated powers to grant the relief to individual businesses.

6. BUSINESS RATES PILOT AND POOLING ARRANGEMENTS

A report was submitted to Cabinet providing Members with details of the potential for the Council to participate in a Business Rates Pilot in 2018/19.

The scheme would enable all future growth in Business Rates to be retained within Staffordshire and would generate additional resources for the Council during the next financial year.

Members were advised that successful pilot schemes would be announced in December.

Resolved:

- (i) That the Council participates in the Expression of Interest to form a Staffordshire and Stoke on Trent Pool based upon piloting the 100% Business Rates Scheme.
- (ii) That the Chief Executive and Section 151 Officer be authorised (in consultation with the Leader and Portfolio Holder for Finance IT and Customer) to submit a firm Expression of Interest to be a member of the Staffordshire and Stoke on Trent pool based upon piloting the 100% Business Rates Scheme.

7. NEWCASTLE MARKET OPTIONS

A report was submitted to Cabinet advising Members of the outcome of a recent tendering exercise to enable necessary decisions to be made regarding the future operation and management of the Market.

Two options were put forward for consideration – to contract with Market Place Management (MPM) or to continue with the in-house delivery arrangement.

Members considered, on balance, that the awarding of a contract for MPM would represent the best outcome from a service delivery and value for money perspective.

The Portfolio Holder for Town Centres, Property and Business stated that the work put in by officers to manage and operate the market over the years should be acknowledged.

The Leader thanked the members of the Economic Development and Enterprise Scrutiny Committee for their piece of work on the Markets and stated that it must be recognised that markets had changed and was very positive that the contract would be good for the future of the Market and the town's economy.

- Resolved:**
- (i) That the offer from Market Place Management be accepted.
 - (ii) That officers be authorised to take all of the necessary steps, in consultation with the relevant Portfolio Holder(s) to execute the new market management arrangements at the earliest opportunity.

8. HOMELESSNESS REDUCTION ACT 2017

A report was submitted to Cabinet showing changes to the Homelessness legislation together with an overview of the implications and risks of the changes to the Council.

Members' attention was drawn to the new statutory duties at paragraph two of the report and the implications at paragraph three.

The Portfolio Holder for Communities and Social Cohesion stated that there would be a number of challenges and new obligations placed on the Council which could potentially double the caseload of the Newcastle Housing Advice Service.

The Council needs to ensure that it has a homelessness service that can rise to the challenges ahead.

Newcastle was being 'punished' for the good quality of its service as its workload was being increased with some people accessing the service from the City of Stoke on Trent. The Portfolio Holder requested that the Leader and Chief Executive meet with representatives of Stoke on Trent City Council with a view to achieving greater consistency and parity of service.

The Portfolio Holders for Communities and Social Cohesion and Planning and Housing had met with officers and it had been stated that demand, in some cases would double and it would affect the Council's services. Housing professionals had advised that the funding may not be enough and therefore it would need to be closely monitored so that vulnerable people in the Borough were supported.

The Leader acknowledged that a meeting with Stoke on Trent City Council was necessary and that some recognition of the apparent inconsistency of service delivery was required from them.

The Leader asked the Portfolio Holder for Communities and Social Cohesion if he was aware that some authorities were dealing with homelessness by giving out one way rail tickets and sought confirmation that this Council was not doing this.

The Portfolio Holder for Communities and Social Cohesion stated that whilst there was an awareness that some of the homeless did have links to other parts of the country, they would not be sent away, instead, the Council would do what it could to help.

Members were made aware of the funding available to tackle homelessness, one of which was Burdens Funding but as yet there was no clear indication of the actual amount.

Concerns were raised with regard to the number of rentable properties that were being sold which would only add to the problem and it was suggested that the only way to solve the problem would be to bring back some form of council housing.

- Resolved:**
- (i) That the Homelessness Reduction Act (HRA) be noted and that the actions taken by officers to date and those proposed within the HRA Implementation Plan be endorsed.
 - (ii) That the allocation of the two sources of grant funding from the Government – provided to tackle homelessness for the next two years to enable the new legislation to be successfully implemented, be approved.
 - (iii) That the Executive Director for Regeneration and Development, in consultation with the relevant Portfolio Holders, be authorised to consider and review any changes to the Implementation Plan and changes in processes at Newcastle Housing Advice as required to comply with the new Code of Guidance.

9. GOLD STANDARD FOR HOMELESSNESS

A report was submitted to Cabinet informing Members of the Department for Communities and Local Government's (DCLG) Gold Standard Peer Review Assessment of the Council's Housing Options Service.

The Diagnostic Peer Review took place in February, 2017 and a number of recommendations were made. In addition, a number of areas highlighted good practice.

Members were asked to consider three options with option two being the preferred route.

The Executive Director for Regeneration and Development and his team were thanked for the work that had been carried out.

- Resolved:**
- (i) That any actions/recommendations from the Continuous Improvement Plan be considered prior to pursuing the challenges.
 - (ii) That the Executive Director for Regeneration and Development, in consultation with the relevant Portfolio Holders, be authorised to consider and review the improvement plan as it is developed and implemented.

10. DELEGATION FOR NEIGHBOURHOOD PLANNING

Resolved: That this item be deferred to the next meeting of the Cabinet to enable more information to be sought.

11. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR ELIZABETH SHENTON
Chair

Meeting concluded at 7.00 pm

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FINANCIAL AND PERFORMANCE MANAGEMENT REPORT TO END OF QUARTER TWO (July-September) 2017-18

Submitted by: Executive Management Team

Portfolio: Policy, People & Partnerships
Finance, IT & Customer

Wards Affected: All

1. Background

- 1.1 This quarterly report provides Members with a detailed update on how the Council has performed during the second quarter of 2017/18 by presenting performance data set within a financial context.
- 1.2 This report provides broad financial information (Appendix A) and also details performance (Appendix B) for the second quarter of 2017/18.
- 1.3 A summary of the overall performance picture is presented in section 3 of this report and members will note that performance is generally progressing well.

2. 2017/18 Revenue and Capital Budget Position

- 2.1 The Council approved a general fund revenue budget of £13,825,060 on 22 February 2017. Further financial information is provided in Appendix A.

3 Performance

- 3.1 The latest performance information for quarter two has been analysed.
- 3.2 All indicators monitored for this period are listed in the table found in Appendix B.
- 3.3 Any indicators failing to meet the set targets include a comment explaining why the indicator has not performed well, and what steps are being taken to ensure improvement in the future.
- 3.4 The layout for Appendix B has changed this quarter with the service area and officer named for each indicator they own, and the priorities reviewed as to which priority the indicators have a greater impact upon.
- 3.5 For this report a total of 21 indicators were monitored, and the proportion of indicators which have met their target or are within tolerance levels during this period stands at 90%.
- 3.6 There are two indicators off target this quarter and three indicators within tolerance levels and officers consider that the performance against these indicators does not give rise to serious cause for concern at present (see commentary provided at Appendix B). The management of each of the service areas concerned continue to monitor and take steps to deal with under achievement of targets where possible and/or appropriate.

Further quarterly updates will be provided for Members in future reports.

- 3.7 Positive performance can be seen in a range of services and members will note that some services are affected by both seasonal and external factors. It should also be noted for consideration that some indicators have stretched targets set and local targets that are higher than the national ones.

4. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 4.1 All indicators link to corporate priorities set out in the Council Plan and/or Service Plans.

5. Legal and Statutory Implications

- 5.1 The Council has a duty to set targets for performance of a range of functions and needs to monitor these closely.

6. Equality Impact Implications

- 6.1 There are no differential equality issues arising directly from this monitoring report.

7. Financial and Resource Implications

- 7.1 Any positive variance for the full year on the General Fund Revenue Account will enable that amount to be transferred to the Budget Support Fund and will be available in future years for use as the Council considers appropriate. Conversely, if there is an adverse variance, the amount required to cover this will have to be met from the Budget Support Fund.

8. Major Risks

- 8.1 The ongoing changing market conditions represents the greatest risk to the revenue budget, particularly with regard to the impact it may have upon income receivable in relation to services where customers may choose whether or not to use Council facilities or in the case of the waste/recycling service where the volume of recycled materials is liable to fluctuate. The situation will be monitored through the normal budget monitoring procedures.
- 8.2 The capital programme will require regular monitoring to identify any projects which are falling behind their planned completion dates. This will be carried out by the Capital Programme Review Group, which meets on a monthly basis together with quarterly reports to Cabinet.
- 8.3 The above represents a high level view of risk. There are detailed risk registers available if members wish to see them.

9. List of Appendices

Financial information (Appendix A), and performance information (Appendix B).

10. Background Papers

Working papers held by officers responsible for calculating indicators.

11. Management sign off

Each of the designated boxes need to be signed off and dated before going to Executive Director/Corporate Service Manager for sign off.

Financial Position Quarter Two 2017/18

1. General Fund Revenue Budget

1.1 The Council approved a General Fund Revenue Budget of £13,825,060 on 22 February 2017. The actual position compared to this budget is continuously monitored by managers, EMT and Portfolio Holders in order to detect any significant variances of expenditure or income from the approved amounts contained in the budget.

2. Capital Programme

2.1 A Capital Programme totalling £3,047,000 was approved at the same Council meeting. Of this total, £1,500,000 relates to the total cost of new schemes for 2017/18 together with £1,547,000 for schemes brought forward from the original 2016/17 Capital Programme. In addition £2,937,616 slippage was incurred in 2016/17, resulting in a total Capital Programme of £5,984,616 for 2017/18.

3. Revenue Budget Position

3.1 At this point in the financial year, we would have expected to have spent approximately £5,574,291; we have actually spent £5,662,635. Therefore, as at the end of the second quarter, the general fund budget shows an adverse variance of £88,344.

3.2 The main reasons for the overall adverse variance to date are:

- a. Waste Services is operating at a net overspend. This is due to a shortfall in recycled material income and overspending on agency/overtime costs. An Action Plan has been developed to minimise the overspend in this area. Actions include, reducing the use of agency staff over the winter period, reviewing overtime working to ensure this is kept to the minimum necessary, a block on non-essential spending, uplift on material sales value following a retendering process, driving out further operational efficiencies, restricting vehicle hire, running a communications campaign to drive up recycling tonnages for metals and exploring providing back-up from other in-house teams.
- b. Kidsgrove Sports Centre operated at a net overspend due to overtime, casual salaries and significant income shortfall prior to its closure. In addition, although the Centre closed at the end of June, some expenditure has still had to be incurred, in particular with respect to staffing.
- c. Income from car parking is below the amount budgeted for, a review of car parking income is currently being undertaken and the sale of

Permits is being promoted with key partners and large businesses in an attempt to improve income levels.

There are also a number of favourable variances, the main variance being:

- a. Employee costs in respect of a number of vacant posts and flexible retirements that have taken place across the Council.

4. Capital Programme Position

4.1 The Capital Programme approved by Council in February 2017 has been updated to take account of slippage in 2016/17. Where planned expenditure did not occur last year, this has been added to the budget for 2017/18 (apart from any cases where costs have been reduced or expenditure will no longer be incurred). The revised budget for capital projects in 2017/18 totals £5,984,616.

4.2 £2,518,772 of the revised budget was expected to be spent by 30 September; the actual amount spent was £2,514,779 resulting in a favourable variance at the end of quarter two of £3,993.






5. Investment Counterparties









5.1 As at 30 September 2017 the Council had no funds to invest.



5.2 With regard to the Council's frozen investment in Heritable Bank the total amount repaid now totals £2,457,623, which is 98% of the total that was frozen.

Appendix B: Corporate Performance Scorecard





Qtr 2 2017-18 (July-September)

Priority 1: A clean, safe and sustainable Borough								Outcomes: Our borough will be safer, cleaner and sustainable							
Ref	Service Area & Officer	Indicator	Good is	Result 2016-17 Qtr 2	Result 2017-18 Qtr 2	Target 2017-18	Status								
1.1	Environmental Health –Nesta Barker	Percentage of food premises that have a zero or one national food hygiene rating	Low	2% (22 out of 925 published premises)	1.28% (11 out of 861 published premises)	5%									
1.2	Partnerships – Sarah Moore	Number of new Anti-Social Behaviour (ASB) cases received during the quarter	Low	116	111	-	-								
1.3		Number of current open ASB cases as at the end of the quarter (30.06.17)	Low	59	25	-	-								
1.4		Number of ASB cases closed in the quarter	Low	111	119	-	-								
1.5 (a-c)	Recycling & Fleet – Andrew Bird	Household collections from the kerbside (%) • Dry Recycling	High	17.03%	19.63%	17%									
		• Food	High	3.8%	5.73%	5%									
		• Green	High	31.23%	26.07%	25%									
1.6	Operations – Roger Tait	Levels of street and environment cleanliness (LEQ survey) free / predominantly free of litter, detritus, graffiti and fly-posting)	High	Survey results reported at a later date.		91% 91% 97% 99%	-								
1.7		Number of community volunteer groups/hours spent caring for their local green spaces and neighbourhoods	High	952 hrs Qtr 2 (2,868.5 hrs cumulative)	1680 hrs Qtr 2 (3,158.5 hrs cumulative)	637.5 hrs Qtr 2 (4,462.5 hrs cumulative)									



Priority 2: Borough of Opportunity Outcomes: Newcastle is a great place to live, work and do business							
Page Ref	Service Area & Officer	Indicator	Good is	Result 2016/17 Qtr 2	Result 2017/18 Qtr 2	Target 2017/18	Status
2.1	Regeneration & Economic Development –Kim Graham	Town Centre Vacancy Rate	Low	10.74 %	13.19%	15%	
2.2	Property - Louise Beeby	Percentage of investment portfolio (NBC owned) vacant	Low	8.1%	6.9%	12%	
2.3	Regeneration & Economic Development – Kim Graham	Average stall occupancy rate for markets	High	34%	57%	65%	
		<u>Comment</u> In October 2017 Cabinet resolved to appoint an external operator for the markets in Newcastle town centre. This decision was made following due consideration of the options available to improve the future potential of the market as it was considered to represent the best prospect for improving the fortunes of the market for the benefit of the wider town centre economy.					
2.4	Planning & Development – Guy Benson	Percentage of Major Planning Applications decisions issued within an agreed extension of time	High	73.3% (Cumulative)	72.7% (cumulative)	70%	
2.5		Percentage of Non Major Planning decisions issued within an agreed extension of time	High	94.6% (Cumulative)	81.6% (cumulative)	85%	
		<u>Comment</u> This raised target has not quite been met this quarter, due largely to a backlog of undetermined applications developing. We should see a positive impact on future performance due to a new member of staff recently joining the team. It is noted that the Council's performance remains above the Government target.					
2.6	Customer & ICT – Kelvin Turner	Percentage of requests resolved at first point of contact	High	98%	97%	97%	
2.7	Customer & ICT – Kelvin Turner	% Unmet demand (number of calls not answered as a % of total call handling volume)	Low	32.9%	8.74%*	8%	
		<u>Comment:</u> The result for Qtr 2 has improved significantly from Qtr 1 (20%) and is only slightly off target but within tolerance levels.					
2.8	Revenues & Benefits – Jane Spencer	Time taken to process Housing/Council Tax Benefit new claims and change events	Low	5.49 days	5.91 days	10 days	

2.9	Revenues & Benefits – Karen Hollinshead	Percentage of Council Tax collected	High	53.1%	50.29%	50.11%	
2.10		Percentage of National non-domestic rates collected	High	57.4%	56.70%	52.44%	




Priority 3: A Healthy and Active Community Outcomes: Everyone has the chance to live a healthy, independent life, access to high quality leisure and cultural facilities/activities and the opportunity to get involved in their community

Ref	Service Area & Officer	Indicator	Good is	Result 2016-17 Qtr 2	Result 2017-18 Qtr 2	Target 2017-18	Status
3.1	Operations –Roger Tait	Number of parks which have Green Flag status	High	7	7	7	
3.2		Level of satisfaction with Council run parks and open spaces	High	70% (Annual Survey)	Reported at a later date.	70%	-
3.3	Culture & Arts – Rob Foster	Number of people visiting the museum	High	25,870 Qtr 2 (40,680 cumulative)	23,758 Qtr 2 (42,304 cumulative)	15,000 Qtr 2 (29,000 cumulative)	
3.4	Leisure –Rob Foster	Number of people accessing leisure and recreational facilities	High	155,616	159,431 Qtr 2 323,720 (cumulative)	145,000 Qtr 2 (580,000 annual)	
3.5	Human Resources – Sarah Taylor	Average number of days per employee lost to sickness	Low	3.64 days (cumulative)	4.1 days* (cumulative)	4 days (Qtr 2 cumulative)	

Priority 4 : A Co-operative Council, delivering high-quality, community driven services Outcomes: Your council is efficient, open and innovative in its work, with services designed and delivered co-operatively and communities are strong and well supported

Ref	Service Area & Officer	Indicator	Good is	Result 2016-17 Qtr 2	Result 2017-18 Qtr 2	Target 2017-18	Status
4.1	Democratic Services – Paul Washington	Percentage attendance at planned meetings by members	High	85%	77%*	80%	
4.2	Culture & Arts – Delyth Copp & Teresa Mason	Number of hours worked by volunteers in council co-ordinated activities (museum)	High	389 hrs Qtr 2 (852 hrs cumulative)	695 hrs Qtr 2 (1270 hrs cumulative)	400 hrs Qtr 2 (1200 hrs annual)	
4.3	Housing –Mike O'Connor	Number of homelessness cases where positive action was successful preventing homelessness	High	116 Qtr 2 (289 cumulative)	121 Qtr 2 (248 cumulative)	150 Qtr 2 (600 annual)	-

*This result is narrowly off target but within the level of tolerance

Key	Performance information not available at this time or due to be provided at a later date.	n/a	Performance is not on target but direction of travel is positive		Performance is not on target where targets have been set		Performance is on or above target.	
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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

Date: 8 November 2017

Support for Independent Living in Staffordshire Service

Future Delivery of Disabled Facilities Grants

Submitted by: Mike O'Connor

Portfolio: Planning and Housing

Ward(s) affected: All

Purpose of the Report

The report provides details of a proposed service to support independent living across Staffordshire which will include the delivery of Disabled Facilities Grants. It also seeks approval to participate in the county wide procurement and appointment of an appropriate provider.

Recommendations

- a) That Cabinet approve the participation of the Council in the procurement of a new service to support independent living including the delivery of Disabled Facilities Grants in the Borough for the contract term referred to in the report unless otherwise agreed in consultation with the Portfolio Holder.
- b) That following a competitive tendering process administered by Staffordshire County Council the Executive Director for Regeneration and Development in conjunction with the Portfolio Holder for Housing and Planning be authorised to agree the appointment of a contractor to deliver a service or to withdraw the Council from the process (reporting back to Members as appropriate in the event of any significant resourcing or service delivery issues arising from the latter).
- c) That officers be authorised to sign, if appropriate, a Partnership Agreement and a funding agreement with Staffordshire County Council and to take all the necessary and associated steps to facilitate delivery of the new service.

Reasons

The contract with the current provider expires at the end of March 2018. A new commissioning process is necessary and the opportunity is being taken to provide a more holistic service to compliment the aims of the Better Care Fund.

1. **Background**

Disabled Facilities Grant's (DFG's) are means tested grants to fund essential housing adaptations which help disabled people stay in their own homes. The majority of schemes in the Borough involve providing stairlifts, external ramps and the conversion of bathrooms to shower/wet rooms.

There is a statutory obligation for the Council to provide grants in relation to disabled adaptations under the 'Housing Grants Construction and Regeneration Act 1996'. At present, funding is provided by the Department for Communities and Local Government (DCLG) through the Better Care Fund and this intended for the sole purpose of providing DFG's under the Act.

Vulnerable households find it difficult to access assistance and Home Improvement Agencies (HIA's) have developed to assist vulnerable people fully consider their housing options and where appropriate to negotiate the processes necessary for them to make applications for grant assistance and find reputable contractors, thus enabling them to remain living at home in safety.

This service is currently being delivered by Staffordshire Housing Association through their Home Improvement Agency [HIA] trading as Revival for all of the districts within Staffordshire in partnership with Staffordshire County Council, which is the Contracting Authority. Revival staff visit applicants at home; provide advice, carry out a means test and seek competitive costs for works from a contractor. In the Borough Council officers check and approve the grant, monitor the quality of works and pay the final accounts on completion. This work is currently funded through the DFG budget allocation. In addition to adaptation works, the HIA also provides advice service to service users. This has previously been funded by Staffordshire County Council although in the current financial year it has been funded by the member District Councils. The current contract arrangements come to an end on 31st March 2018 and as such new arrangements are required to deliver the service from 1st April 2018.

Options Considered

a) Mandatory Service only

The Council has a statutory obligation to approve a valid grant application and pay a grant upon satisfactory completion of works. There is no obligation to provide technical services or advice, so reverting to the mandatory process would place the entire onus onto vulnerable people to fully consider their housing options and to negotiate the processes necessary for them to make applications for grant assistance. This option would put at risk the two FTE staff employed by the Council to provide technical support and advice.

There would be a drop in applications as vulnerable users would find it difficult to successfully apply, resulting in an increase in unmet demand in the area, whilst funding for works available would not be spent.

b) Deliver an HIA service in house

Two FTE officers already approve grants and complete supervision visits to check the quality of the works for which grant is claimed. The in-house option would enable the Council to extend its role to include client advocacy helping applicants to initially design schemes, exploring funding options, completing

forms and obtaining necessary permissions as well as engaging suitable contractors. This provides a full one stop-service and is a model used in some Local Authority areas enabling control of the grant funds allocated.

The proposal would require additional staff to carry out the advocacy caseworker roles and additional technical services in order to deliver grants within timescales. Whilst it will not be necessary to TUPE transfer our current two technical officers there may be TUPE implications from the existing service provider.

The service would not be able to benefit from a larger county wide partnership able to develop a wider range of consistent services to disabled residents and develop better strategic links with Social Services and NHS Clinical Commissioning groups who jointly manage the Better Care Fund.

c) Retender HIA as a Borough only service

This option would require the Council to retender the current service either alone or in partnership with other Districts without support from the County Council. This would be resource intensive to set up within the current timescale and the resultant service would not be able to benefit from involvement in a larger county wide partnership. It is unclear how this option would impact upon the Council's existing staff resources but there would appear to be scope to dovetail with the in-house capacity and expertise.

d) Procure a new county-wide service in partnership with Staffordshire County Council

The requirement to tender the service and changes to the funding which now includes the capital grant within the Better Care Fund provides an opportunity to review the delivery of the service and procure a new improved comprehensive service.

The County Council has agreed to work in partnership with the Districts to lead a DFG Transformation Project to help shape a new service and to be the Contracting Authority for a procurement process.

Should the new contractor be commissioned there will be a requirement for two current in-house staff to be transferred under TUPE provisions to the new service provider.

3. Proposal and Reasons for Preferred Solution

It is proposed that the Council pursue option (d), progressing towards participation in the development of a county-wide service, commencing with competitive tendering.

It is anticipated that the new arrangements will enable a wider range of services to be delivered within the existing budget envelope, with the inclusion of advice and assessment services as well as home safety and security. It is expected that there will be a greater degree of prevention that will allow funding to be stretched further. It is also envisaged that the new service provider will seek to use innovative procurement methods and take advantage of the combined budget allocation to enhance value for money in delivery of the service.

4. **Developing the new Service**

Six of the eight districts in Staffordshire have agreed in principle to work together along with Staffordshire County Council, to procure and deliver a new DFG and advice service that will come into effect from 1st April 2018. The new service will be called "Support for Independent living in Staffordshire" and it is anticipated that it will deliver an all-inclusive service to users. This will include an assessment service, the provision of advice and the completion of adaptations as required under the 'Housing Grants Construction and Regeneration Act 1996'. It will continue to be funded through the DFG budget allocation from DCLG routed through the Better Care Fund.

A considerable amount of work has been done by officers from the six Districts and the County Council to design a new service that will meet the needs of service users whilst taking into account the financial pressures across all organisations and recognising the fact the Districts and the County Council have differing statutory obligations. Soft market testing and service provider events have been conducted to ensure that a specification is realistically achievable and to ensure that there is genuine appetite within the market to deliver the project as specified. As a result a specification has been agreed for the service which will be used for the purposes of inviting competitive tenders. The soft market testing has shown that for the project to be successful service providers would need sufficient time to develop services and as such tenders will be invited for a contract period of 5 years with the option to extend to a maximum of 7 years.

Under the new arrangements Staffordshire County Council will be the Contracting Authority with the six Districts being parties to a 'Participation Agreement'. There will be a Strategic Management Board made up of the District Chief Executives and a Director from Staffordshire County Council. Furthermore, a Project Steering Group consisting of representatives of the Districts and Staffordshire County Council will be responsible for overseeing the operational and performance management of the contract.

To ensure that the service will be in place by next April a tender officers group has met regularly and agreed a specification. The first stage of the tender process has commenced. The outcome will be known by the end of the year and this will be reported to the Portfolio Holder who will be advised if it would be appropriate for the Council to agree to the appointment of a contractor or to withdraw the Council from the process.

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

The provision of a service to assist disabled residents clearly contributes to meeting the corporate priorities to provide a clean, safe and sustainable Borough, a healthy active community and becoming a co-operative council by delivering high quality community driven services.

6. **Legal and Statutory Implications**

The Council is required by the Housing Grants and Construction and Regeneration Act 1996 to approve a valid application for a DFG but before it does this it must consult with Social Services on the adaptation needs of those seeking a DFG.

It is proposed to use powers provided in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to not only provide the mandatory assistance but also offer more flexible preventative alternatives linked to local health and social

service priorities taking into account increased funding from the Better Care Fund. Should the Council agree to proceed the administration of DFG's will be taken on by a new provider and the current financial assistance policy will need to be amended and approved.

The County Council will be the contracting body for the service and will be legally responsible for the procurement and operation of the contract. The funding partners will be the following District Councils', Lichfield, Newcastle, Tamworth, South Staffordshire, Stafford, Staffordshire Moorlands and Tamworth subject to a signing a participation agreement and a passporting funding agreement.

Should the new contractor be commissioned there will be a requirement for two current in-house staff to be transferred under TUPE provisions to the new service provider.

7. **Equality Impact Assessment**

The Provider of the service will be required to ensure that the service is easily accessible to everyone, particularly individuals with a protected characteristic as defined by the Equality Act 2010.

8. **Financial and Resource Implications**

The Council has a statutory duty to provide a DFG, irrespective of the funds available, where an application has been approved. The Government allocates a Disabled Facilities Capital Grant to the Council within the Better Care Fund which should be passed in full by the County Council except where with the express agreement of the Council part of the allocation can be used for other social care capital projects.

A Better Care Spending Plan is being prepared county wide to ensure that unallocated funding is not lost to the County as a whole. To avoid this there would be a general contingency fund and a loan account from which overspending authorities would draw from. Whilst it is sensible to ensure that surplus funds are kept within the County, this does seem to be the start of a pooled funding arrangement where funds earmarked by DCLG based on need, to the Borough could be allocated to other districts in the County, so safeguards will be necessary. To that end it is intended that regular (at least quarterly) service delivery and budget monitoring arrangements will be established with the Portfolio Holder.

With regard to tendering the new service currently, only those services which result in capital works, or avoidance of capital works can be funded through the DFG. It is expected that there will be a review of Disabled Facilities Grants (DFGs) by the Government during winter 2017-18 and the content of the Service Specification will be dependent on what is permitted under the new guidance. Accordingly in the Services Specification "Required" services are those services specified under the current legislation and "Additional" services are those services the guidance may be amended to include. Therefore the Contracting Body intends to buy the "Required" services and may buy the "Additional" services.

9. **Major Risks**

A risk assessment has been completed by the County Council in consultation with the Districts. The status of the assessment is reported to each meeting of the

Strategic Partnership Board. The current risk statement is available upon request from officers.

10. **Key Decision Information**

The service provider will operate Borough-wide, thereby affecting all wards. Notice of this report was included in the Cabinet's Forward Plan for the period in which the meeting is to take place.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

Date 8th November 2017

1. **HEADING** Update on Asset Management Strategy and Delivery Plan
- Submitted by:** Assets Manager
- Portfolio:** Finance, IT and Customer
- Ward(s) affected:** All

Purpose of the Report

To update members on progress with delivery of the approved Asset Management Strategy (AMS) and to approve the disposal of additional sites, subject to consultation, which are not required to meet Open Spaces and Green Infrastructure purposes in accordance with the current Strategy.

Recommendations

- a) That Cabinet approves the updated Asset Management Strategy and Delivery Plan and agree in principle to the disposal of the sites set out in appendix 1, subject to the relevant consultations being carried and the outcomes being report back to Cabinet.
- b) That officers take the appropriate steps to protect the Council's interests in respect of all its land.
- c) That officers be authorised to take appropriate steps to achieve the principle of residential development of the subject sites prior to any disposal.
- d) That the Leader of the Council writes to the relevant Government Minister or Department to highlight the issues caused by undetermined applications for Village Green status and urging further legislative changes and/or guidance to achieve a better balance between the interests of land owners and other interested parties.

Reasons

The Council has an adopted Asset Management Strategy (AMS) 2015/16-2017/18 which sets out the Council's approach to managing its assets, including the disposal of sites which are surplus to operational requirements and may have alternative uses.

The Open Spaces and Green Infrastructure Strategy has now been adopted and in accordance with the approved AMS, any sites that are not required to meet local standards should be considered, following consultation, for disposal.

1. **Background**

- 1.1 The Council's Capital Strategy and Asset Management Strategy are key documents evidencing the Council's approach to its use of resources. The Asset Management Strategy provides a clear framework for understanding the value and condition of property owned by the Council so that, in turn, investment decisions can be taken to optimise the use of the said land/property to meet the needs of the Borough's residents, businesses and visitors. This Strategy along with the Council's Capital Strategy seeks to demonstrate alignment with, and delivery of, the Council's ambitions as set out in the Council Plan.
- 1.2 The Asset Management Strategy 2015/16-2017/18 set out the categories which these surplus sites fall into. These are listed below:

- Brownfield sites not required for operational use;
- Greenfield sites that do not form part of the Green Space Strategy (now the Open Space and Green Infrastructure Strategy);
- Sites identified in the Open Space and Green Infrastructure Strategy that are considered to have a better alternative use (i.e. not required to fulfil the objectives of the Strategy);
- Sites identified in the current Playing Pitch Strategy where there is no local demand or business case for retention;
- Sites identified in the Open Space and Green Infrastructure Strategy which form a small part of a larger site and the removal of which would not adversely impact on the function or enjoyment of green space.
- Operational land and buildings where there is no strategic, financial, operational or other public interest reason for retention.

1.3 The existing Asset Management Strategy makes clear that if a site falls into one of these categories then it should be regarded as surplus to requirements and should be disposed of as a matter of principle to avoid holding cost and land ownership liabilities; to recycle the receipt to fund service needs and; to facilitate private sector delivery of development needs such as housing.

1.4 Members should be aware that significant progress has been made with securing receipts from land and property disposals with the Council receiving just over £4m over the past three years; with a further £575k in the pipeline where terms have been agreed with purchasers. In addition there has been notable progress over the past 12 months with the securing of resolutions to grant planning permission on a number of sites including the four largest sites in the Council's disposals programme. Three of these sites are being actively marketed and generating interest from prospective developers which should begin to materialise in offers towards the end of the year; the fourth site will be brought to the market shortly. It is anticipated that these sites will bring not only a windfall of receipts, totalling multi-millions of pounds, but will facilitate delivery of new housing to meet broader policy objectives of the Council.

2. **Issues**

The Open Space and Green Infrastructure Strategy

2.1 In March 2017 Cabinet approved The Open Space and Green Infrastructure Strategy and resolved to:

- (a) report back to Cabinet the implications of this Strategy for the Council's Asset Management Strategy and
- (b) to take all reasonable and proportionate steps to protect the Council's interest in the future management and maintenance of council-owned land in the overall public interest.

There are a number of sites that are not required to meet local standards and are their suitability is being assessed through the joint Local Plan. These sites are listed in Appendix 1.

Landowner Statements/Village Green Applications

2.2 Village Green Applications which were submitted as long as 6 years ago are still outstanding in respect of six parcels of Council-owned land. All of these applications are pending consideration by the County Council thereby creating uncertainty from a strategic asset management perspective. More specifically your officers consider that these sites have the potential to realise capital receipts of well over £5m with properly planned development that would deliver hundreds of much needed dwellings into the local market; these opportunities are being stifled by the VGA process. Therefore officers are engaged in ongoing discussions

with the County Council about the undetermined applications to clarify the decision-making processes and the associated timescales to protect the Council's interests as land owner.

- 2.3 On a broader note, whilst legislative changes were introduced by Government in 2013, including the ability of land owners to submit a statement which brings to an end any period of recreational use 'as of right' over the land to which the statement relates, it is evident that applications to establish Village Greens can be made as a spoiling tactic. Members may wish to consider writing to Government seeking further legislative changes to achieve a better balance between the interests of land owners and other interested parties.
- 2.4 In the meantime officers have, in consultation with the relevant Portfolio Holder submitted landowner statements in respect of the sites listed at Appendix. It is proposed that such action will extend to other Council-owned land as considered appropriate in consultation with the relevant Portfolio Holder.

Commercial portfolio

- 2.5 As referred to in the approved Asset Management Strategy officers are in the process of reviewing the commercial estate with the aim of ensuring the Council is achieving value for money (optimising income and reducing liabilities). In view of the Council's current position in respect of capital funding it is proposed that this piece of work is run in parallel with the recently-commissioned Stock Condition Review. The expectation of this piece of work is that it will provide clear evidence about the performance of the commercial portfolio and may identify parts of the commercial portfolio where disposal would be the best option for the Council; any such premises could be considered for disposal at the earliest opportunity to provide short-term capital funds to support delivery of the capital programme. As part of this review the revenue implications (loss of rental income) would be taken into account as well as any known maintenance/repair liabilities. The review may also assist the Council in identifying future investment opportunities to provide both development outcomes and revenue income or longer term capital receipts.

3. Options considered

Option 1 – Do nothing

- 3.1 If the Council did not prepare and refresh its Asset Management Strategy and Plan it would not be possible to either manage assets dynamically or demonstrate the rationale for investment; thereby exposing the Council to criticism that it had a weak approach to the management and use of its physical resources.
- 3.2 More importantly and practically, if capital receipts are not generated through the disposal of assets or there is a delay in this happening, this will mean that it will be necessary to either abandon or postpone investment in the capital programme or to find an alternative source of funding, most likely to be further borrowing (the revenue consequences of which would need to be addressed as part of the General Fund budget setting process).

Option 2 – Adopt the refreshed Asset Management Strategy and Delivery Plan

- 3.3 Having an up to date Asset Management Delivery Plan provides a clear programme to optimise property investment in the context of the Strategy. In addition its' implementation would facilitate delivery of the Council's capital programme to meet service needs.

4. Proposal and Reasons for Preferred Solution

- 4.1 In previous years it has been identified that in view of the lead-in times for making capital purchasing decisions it is considered prudent to agree upon a programme of disposals over

at least a two-year, but preferably three year timescale. It is therefore recommended that this approach continues.

4.2 The attached additions to the Delivery Plan is proposed to give the most suitable disposal programme to meet the known and anticipated future needs of the Council.

4.3 In addition it is confirmed that officers will be preparing a substantial review of the current AMS and this will be brought to Cabinet in January 2018 to run for the following three years.

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

5.1 The disposal of surplus assets enables the achievement of priority outcomes in all four of the Council's Corporate Priorities.

6. **Legal and Statutory Implications**

6.1 The Council has a duty, both fiduciary and operationally, to utilise its Assets for the benefit of the community.

6.2 The Local Government Act 1972 (as amended) – Section 123 - the Council has a duty to achieve best consideration when disposing of its assets.

6.3 The Local Government Act 2000 - powers to promote the economic, social and environmental wellbeing of the Borough.

6.4 The Growth and Infrastructure Act 2013 made a number of significant changes to the law on registering new town and village greens under the Commons Act 2006. Section 15 of the 2013 Act amends the law on registering greens by inserting sections 15A and 15B into the 2006 Act. Section 15A allows a landowner to deposit a landowner statement accompanied by a map which brings to an end any period of recreational use 'as of right' over the land to which the statement and map relate.

6.5 The Council has a legal duty in respect of unauthorised access to sites under the Occupiers Liability Acts of 1957 and 1984.

7. **Equality Impact Assessment**

7.1 The Asset Management Strategy does not create any specific equality impacts.

8. **Financial and Resource Implications**

8.1 The plan identifies sites for disposal and in most situations the sites will generate a larger receipt if they have the benefit of planning permission. Funding for specialist planning consultants to develop plans and make planning applications on the most significant sites has been allocated previously and it is anticipated that this provision will meet the costs of such planning application-related costs with the current programme.

8.2 The intention to dispose of properties which fall within the commercial portfolio will provide capital receipts to meet short term demands of the Council's capital programme. Any loss of rental income will need to be assimilated into the medium term financial strategy. In addition there may be some opportunities to offset the potential costs arising from maintenance and repair liabilities.

9. **Major Risks**

- 9.1 The identification of a site for disposal does not mean that the site will be sold as there is a risk that there is no suitable market interest. The Council could therefore continue to hold liabilities for these sites and revenue expenditure. Lack of land sales would create a loss of income to the Council and therefore impact on the Council's ability to deliver essential Council services. The delivery of the Asset Management Strategy brings risks of Community and/or political resistance to the land sales and potentially reputational damage to the Council.

10. **Key Decision Information**

- 10.1 The Strategy affects more than 2 wards and future disposals have the potential to generate more than £50,000 and resources are required to seek planning permission for the development of the sites in advance of any disposals.

11. **Earlier Cabinet/Committee Resolutions**

- 11.1 The current Asset Management Strategy 2015/16 to 2017/18 was adopted by Cabinet on 14 January 2015 and reviewed by Cabinet in January 2016 and 2017.

12. **List of Appendices**

- 12.1 Appendix 1 - The updated Asset Management Strategy Delivery Plan is attached for approval.

13. **Background Papers**

- 13.1 The adopted Asset Management Strategy is available at: https://www.newcastle-staffs.gov.uk/sites/default/files/IMCE/YourCouncil/A_to_Z_Policies/Assets_Management_Strategy.pdf

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Asset Management Strategy Delivery Plan – 2017/18

Additional Land and Property Disposals			
Address	Site Area acres	Site Area (Ha)	Position Statement
Leys Drive, Seabridge	6.082	2.461	This site is not required to meet local standards in the Open Spaces and Green Infrastructure Strategy and the site's suitability is now being considered through the Joint Local Plan.
Westbury Road, Westbury Park	0.566	0.229	This site is not required to meet local standards in the Open Spaces and Green Infrastructure Strategy and the site's suitability is now being considered through the Joint Local Plan.
Pilkington Avenue, Westlands	0.198	0.080	The site wasn't considered as part of the OSGIS and isn't large enough to be considered for site allocation under the Joint Local Plan but is regarded as a sustainable and policy-compliant location.

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CABINET

8th November 2017

REPORT OF THE EXECUTIVE MANAGEMENT TEAM

Report Title: Planning the right homes in the right places – the Borough Council response to the Government Consultation

Submitted by: Executive Director – Regeneration and Development

Portfolios: Planning and Housing

Ward(s) affected: All

Purpose of the Report

To provide Cabinet with the opportunity to respond to the Government Consultation 'Planning the right homes in the right places'.

Recommendations

That the Council respond to the Consultation in the manner as set out in the proforma attached as Appendix 1 to this report.

Reasons:

The Council has the opportunity to respond to this consultation. An appropriate response is set out in the Appendix. The Planning Committee's views will be reported to Cabinet.

1. Background

1.1 Following on from the White Paper "Fixing the Broken Housing Market" published earlier this year the Government is now consulting on further measures set out in the White Paper to boost housing supply in England. Consultations are normally responded to by Executive Directors in accordance with the Council's Constitution, but in this case requests have been received for members to have the opportunity to inform a response to this consultation so the matter is being brought to Cabinet. The Planning Committee at its meeting on the 7th November will have the opportunity to express its views as to what responses should be submitted to the consultation, and its views will be reported to Cabinet. Any response to the consultation has to be submitted by 2345hrs on the 9th November using a standard proforma.

2. Issues

2.1 The consultation sets out a number of proposals to reform the planning system to increase the supply of new homes and increase local authority capacity to manage growth. Proposals include:-

- a standard method for calculating local authorities' housing need;

- how neighbourhood planning groups can have greater certainty on the level of housing need to plan for;
- a statement of common ground to improve how local authorities work together to meet housing and other needs across boundaries;
- making use of viability assessments simpler, quicker and more transparent and;
- increased planning application fees in those areas where local planning authorities are delivering the homes their communities need.

The Consultation document can be viewed via the following link:

<https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

3. Proposal

- 3.1 Your officers have drafted a response to the questions that the Government is seeking responses to; this is provided as Appendix 1 to this report.

4. Reasons for the Preferred Solution

- 4.1 The response proposed is that which your officers consider to be appropriate for the Borough Council to make.

5. Financial and Resource Implications

- 5.1 The possibility of a further increase in planning fees, additional to that which is already proposed, would have implications for the Council's budget, but it is evident that the Government are considering a fee increase that would only be available to those Councils considered to have justified such an increase – in terms of their performance in delivering houses.

6. Outcomes Linked to Corporate Priorities

- 6.1** Creating a clean, safe and sustainable borough.
6.2 Creating a healthy and active community.
6.3 A borough of opportunity.

7. Legal and Statutory Implications

- 7.1 There are no such implications associated with the provision of a response to a government consultation of this nature.

8.0 Appendices

- 8.1 Appendix 1.

9. Key Decision Information

- 9.1 This is a key decision and appears on the Council's forward plan.

Recommended response by the Council to the Consultation

Proposed approach to calculating the local housing need

Question 1(a)

do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?

Yes

No

Not sure/ don't know

Please enter your comments here

The current position is unsatisfactory. Local Planning Authorities have been required to commission expensive and complex assessments to identify the “objectively assessed need” for market and affordable housing within their housing market areas. Whilst national planning practice guidance sets out a recommended method for doing so, it is accepted that the current process leave substantial room for interpretation, and disputes between local planning authorities, developers and communities on the method used both delay the process and adds cost. The Local Plan Expert Group argued that the existing approach to assessing housing need is too complex. The three key principles which the government considers a standard method should be based – that is simple, based on publicly available data and realistic (reflecting the actual need for homes in each area, taking into account the affordability of homes locally) are commended. The Council agrees that the affordability of new homes is a very good indicator that supply is not keeping up with demand. The standardised methodology however does not make adjustments to take account of the factors behind the worsening affordability and may therefore be over simplified.

Councils will however still need to define a Housing Market Area

The suggested standardised methodology looks forward and relies, for its demographic baseline upon projections of household growth, which are volatile/ unstable and therefore calculations of standardised housing need for an area have the propensity to change significantly every two years (the frequency with which household projections are published). Some method of smoothing or dampening such fluctuations should be considered. Similarly failure to look back risks ignoring trends, which could predict some of these potential fluctuations

The use of a measure of affordability (local affordability ratios) as an adjustment to take account of market signals is logical but the proposed use of workplace earnings information rather than residential earnings information does not appear appropriate and could in an area where there was significant commuting (either in or out) lead to a poor measure of affordability in that area.

Question (1b)

How can information on local housing need be made more transparent?

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 2

Do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted?

Yes

No

Not sure/ don't know

Please enter your comments here

It is important that the local housing needs assessment is not rendered out of date if changes to the household projections or affordability are published whilst the plan is being examined, as that can lead to continual delay in the finalisation of plans.

Question 3

Do you agree that we should amend national planning policy so that a sound plan should identify local housing needs using a clear and justified method?

Yes

No

Not sure/ don't know

Please enter your comments here

It is considered that provision is already made for this in the NPPF and the scrutiny provided by the

Planning Inspector during the examination.

Question 4

Do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from the Planning Inspectors?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council notes that paragraph 44 indicates a government expectation, given the significant financial and time saving benefits, that LPAs will adopt the proposed standardised method when assessing housing need, but also that there may be compelling reasons not to adopt the proposed approach which will need to be properly justified and will be subject to examination.

The Council notes in particular and welcomes the statement in paragraph 46 of the consultation that plan makers may put forward proposals that lead to a local housing need above that given by the government's proposed approach, and that this could be as a result of a strategic infrastructure project, or through increased employment (and hence housing) ambition as a result of a Local Economic Partnership investment strategy, a bespoke housing deal with Government or through delivering the modern Industrial Strategy. It also notes that the Government states that they want to make sure that they give proper support to those ambitious authorities who want to deliver more homes, and the proposal to amend planning guidance so that when a plan is based upon on assessment of local housing need in excess of that which the standard method would provide, Planning Inspectors are advised to work on the assumption that the approach adopted is sound unless there are compelling reasons to indicate otherwise. The Council supports the introduction of such guidance.

Question 5(a)

Do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 5(b)

Do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five year land supply and /or be measured for the purposes of the Housing Delivery Test, across the area as a whole?

Yes

No

Not sure/ don't know

Please enter your comments here

Such a change appears to the Council to be logical and to reflect that housing market areas can include a number of administrative areas. However it would be wrong if a local authority was penalised due to its inability to control delivery of housing in another authority within its HMA.

Question 5(c)

Do you consider that authorities that are not able to use the new method of calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five year housing land supply and to be measured for the purposes of the housing delivery test ?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 6

Do you agree with the proposed transitional arrangements for introducing the standard approach for calculating local housing need?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Statement of Common Ground

Question 7(a)

Do you agree with the proposed administrative arrangements for preparing the statement of common grounds?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 7 (b)

How do you consider a statement of common ground should be implemented in areas where there is a Mayor with strategic plan-making powers?

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 7 (c)

Do you consider there is a role for directly elected Mayors without strategic plan-making powers, in the production of a statement of common ground?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 8

Do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 9(a)

Do you agree with the proposal to amend the tests of soundness to include that:

- i) Plans should be prepared based on a strategy informed by agreements over the wider area; and**
- ii) Plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground?**

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 9 (b)

Do you agree to the proposed transitional arrangements for amending the tests of soundness to ensure effective co-operation?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Planning for a mix of housing needs

Question 10 (a)

Do you have any suggestions on how to streamline the process for identifying the housing needs of individual groups and what evidence could be used to help plan to meet the needs of particular groups?

Please enter your comments

The Council does not wish to make any comments in response to this question

Question 10 (b)

Do you agree that the current definition of older people within the National Planning Policy Framework is still fit-for-purpose?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Neighbourhood Planning

Question 11 (a)

Should a local plan set out the housing need for designated neighbourhood planning areas and parished areas within the area?

Yes

No

Not sure/ don't know

Please enter your comments here

Local authorities should not be obligated to do this. Could create complications/uncertainties for areas that are designated once the strategic plan has been adopted. This could also hinder the flexibility of local plans and the ability to respond to rapid economic change.

Question 11(b)

Do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied upon on as a basis for calculating housing need?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Proposed approach to Viability Assessment

Question 13

Do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 13

In reviewing guidance on testing plans and policies for viability, what amendments could be made to improve current practice?

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 14

Do you agree that where policy requirements have been tested for their viability, the issue of should not normally need to be tested again at the planning application stage?

Yes

No

Not sure/ don't know

Please enter your comments here

Whilst the presumption (that the issue should not normally need to be tested again at the planning application stage) is agreed and supported, the proposition does not reflect that viability assessments of individual sites will be undertaken at a much more detailed level than could ever be achieved, practically, at the Local Plan stage, and that with the passage of time key assumptions such as interest rates, values and costs are likely to change

Question 15

How can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process, including in circumstances where a viability assessment may be required?

Please enter your comments here

Ultimately the decision on whether a scheme is financially viable with contributions is one for the Local Planning Authority to take. Involving other parties in that decision is likely to significantly slow down decisions.

Question 16

What factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format?

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 17(a)

Do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions?

Yes

No

Not sure/ don't know

Please enter your comments here

The Borough Council supports this – its current practice – of bringing half yearly reports to its Planning Committee on obligations entered into, payments received, expenditure undertaken, and cases where triggers for contributions have passed but there has not been compliance - reflects the proposal. However it does need to be understood that there are resource implications in the undertaking of such monitoring and recent appeal decisions have led authorities to conclude that obligations providing financial contributions towards monitoring of obligations are unlawful in that they do not comply with Regulation 122 of the CIL Regulations. The provision of policy support for such obligations would assist.

Question 17 (b)

What factors should we take into account in preparing guidance on a standard approach to monitoring and reporting planning obligations?

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 17 (c)

How can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process?

Please enter your comments here

It is hoped that the Government will not impose significant additional burdens upon LPAs but will leave LPAs to devise their own approaches. There are already requirements to provide access to planning obligations within the Planning Register. Most Councils make application documents available on their websites including planning obligations that have been entered into with respect to individual applications. It is recognised that obligations being legal documents are often difficult to interpret, so a summary approach is recognised to be required to provide public accessibility to planning obligations

One option to be considered would be to require developers to publicise infrastructure and affordable housing secured through new development

Planning fees

Question 18 (a)

Do you agree that a further 20% fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this?

- Yes
- No
- Not sure/ don't know

Please enter your comments here

The Council welcomes the Government's acknowledgement that it is vital to have well-resourced, effective and efficient local authority planning departments. It also welcomed the 20% increase already proposed in nationally set planning fees for those local planning authorities who commit to invest the additional fee income in improving the productivity of their planning departments. The Council also notes the acknowledgement that many local authorities have to invest additional financial resource into their planning services to supplement fee income to meet the challenge of delivering new homes. The Council is however concerned that the focus, of the Government, appears to be entirely upon the challenge of delivering new homes when there are other important challenges— for example delivering employment development, development associated with the further education sector, and town centre development.

Question 18 (b)

Do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice?

Yes

No

Not sure/ don't know

Please enter your comments here

See response to Question 18(a)

Question 18 (c)

Should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?

Apply nationally

Apply to individual authorities only

Not sure / don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

Question 18 (d)

Are there any other issues we should consider in developing a framework for this additional fee increase?

Please enter your comments here

The Council does not wish to make any comments in response to this question

Other Issues

Question 19

Having regard to the measures we have already identified in the housing White Paper, are there any other actions that could increase build out rates?

Yes

No

Not sure/ don't know

Please enter your comments here

The Council does not wish to make any comments in response to this question

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CABINET

8th November 2017

DELEGATION FOR NEIGHBOURHOOD PLANNING

Submitted by: Executive Director: Regeneration & Development

Portfolio: Planning and Housing

Ward(s) affected: All wards

Purpose of the Report

For Cabinet to consider and approve delegated decision making arrangements for Neighbourhood Planning to allow the Council to meet statutory timescales.

Recommendation

1. That all decisions (see Table 1) involving any aspect of the statutory function relating to Neighbourhood Planning be delegated to the Executive Director, Regeneration & Development in consultation with the Cabinet Member responsible for the Planning & Housing Portfolio, unless:
 - that stage of the Neighbourhood Planning process has resulted in significant public objection and/or the decision is publicly contentious in the opinion of the Cabinet Member; or
 - the decision is considered to be 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.

Then such decision shall be delegated to the Cabinet Member responsible for the Planning and Housing Portfolio.

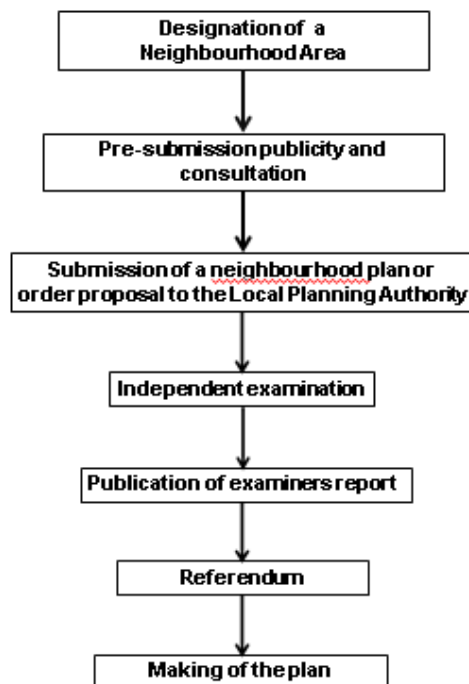
Reasons

Recent legislative changes have introduced time limits on certain stages of the Neighbourhood Plan production process, including the timing of the referendum and the making (adoption) of the plan. In the interests of timely and efficient decision making, it is requested that decisions involving any aspect of the executive statutory function relating to Neighbourhood Planning be delegated to the Executive Director, Regeneration & Development in consultation with the Cabinet Member. Decisions will in most cases be largely non-contentious given that the responsibility of the Local Planning Authority is broadly limited to administering regulatory stages and providing technical advice. If decisions are potentially significant and/or contentious, then decisions will be taken by the Cabinet Member. Ward councillors will be notified of significant decisions as listed in the Table at the end of the report and given an opportunity to submit comments to the Cabinet Member within the respective decision-making timescales.

Without delegation, it would be very difficult to meet statutory deadlines introduced by recent Neighbourhood Planning legislation, undertake the required consultation periods within parts of the process and any turnaround time for reports before decisions can be made.

1. Background

- 1.1 Neighbourhood Planning was introduced through the Localism Act 2011 and enables local communities to produce neighbourhood plans, setting a vision and policies for the future development of their area.
- 1.2 To date five neighbourhood areas have been designated in the Borough and all are currently working on the production of draft plans. Once 'made', a neighbourhood plan forms part of the statutory development plan. Planning applications submitted in areas that have a sufficiently advanced neighbourhood plan¹ will be assessed against the policies that it contains.
- 1.3 The Council has a statutory duty to support the production of Neighbourhood Plans. This support includes designating Neighbourhood Areas, publicising submitted plan proposals and organising the examination and referendum. The Council's responsibilities are generally administrative or technical in nature, for example, advising on general conformity with the development plan, checking that neighbourhood plans have followed correct procedures and arranging the examination/referendum.
- 1.4 On the 16th September 2015, Cabinet agreed to delegate decisions on the designation of neighbourhood areas (one of the first steps in the process of preparing a neighbourhood plan) to the Cabinet Member with responsibility for the Planning and Housing Portfolio (Appendix 1). The delegated powers secured have been successfully used in order to designate three neighbourhood areas, namely: Keele; Betley, Balterley & Wrinehill and the Madeley Neighbourhood Areas.
- 1.5 Beyond area designation, neighbourhood plans have to go through a number of key stages before they are made and this are summarised in the flowchart below.



¹ [Duty to have regard to a post-examination Neighbourhood Plan](#)

- 1.6 Since the Cabinet decision in 2015, the Government has continued to support Neighbourhood Planning and the rights of communities to guide and shape their areas. The Neighbourhood Planning Act 2017, the Housing and Planning Act 2016 and other changes to Regulations in 2016 and 2015 have introduced a number of legislative changes which are designed to speed up and simplify the neighbourhood planning process.
- 1.7 The effect of recent legislative changes means that certain decisions must be made within prescribed time periods, including:
- the designation of a neighbourhood area (for parish/town councils, designation required as soon as possible).
 - the designation of a neighbourhood forum (13/20 weeks);
 - the decision by a local planning authority on whether to put a neighbourhood plan to referendum following receipt of the report of the independent examiner (5 weeks);
 - the period for a local planning authority to seek further representations and make a final decision, where they propose to make a decision which differs from that recommended by the examiner (6 weeks additional consultation plus 5 weeks to issue decision);
 - the time period within which the referendum must be held, following the decision that the plan proposal should be put to referendum (56/84 working days);
 - the time period for a local planning authority to bring a neighbourhood plan into force after it has been approved in each applicable referendum (8 weeks).
- 1.8 National Planning Policy Guidance advises that Local Planning Authorities should make every effort to conclude each stage of the neighbourhood planning process promptly. In addition, measures have recently been introduced to enable the Secretary of State to intervene if a Local Planning Authority does not make decisions in a timely manner.

2. Issues

Decision Making Process

- 2.1 The Council's constitution makes no provision for the determination of decisions relating to Neighbourhood Planning.
- 2.2 National Planning Practice Guidance states that a council's Executive body (i.e. Cabinet) takes the decisions relating to Neighbourhood Planning (where the authority operates executive arrangements as in Newcastle) but that it may delegate this duty to others in the authority, for example a Cabinet sub-committee or the relevant Portfolio Holder.
- 2.3 Advice has been sought from the Council's legal team who have confirmed that Cabinet has the relevant authority to delegate decision making responsibilities in relation to neighbourhood planning to others in the authority. Any future delegations which need to be included in the Scheme of Delegation would consequently be reported to Council for information.
- 2.4 Cabinet approval was previously sought in September 2015 to enable neighbourhood area applications to be decided by the Cabinet Member with responsibility for the Planning and Housing Portfolio. This has worked successfully with 3 areas being designated utilising these powers. If the Local Planning Authority is to meet the statutory timescales relating to different stages of the neighbourhood planning process

as neighbourhood plans in the Borough progress, further clarification in terms of the decision taking framework is required.

The role of the Local Planning Authority and Individual Members

- 2.5 Neighbourhood plans are produced by communities and currently all are being led by parish councils in the Borough. The Borough Council's role as the Local Planning Authority is largely technical in nature, for example advising on conformity with the Development Plan and checking that Plans have followed correct procedure. Neighbourhood Plans are required to be in general conformity with the adopted Development Plan but beyond this, the Local Planning Authority does not have a mandate to provide a political steer on the content of an emerging plan.
- 2.6 Decisions on neighbourhood plans, in most cases, will be largely technical or administrative and non-contentious. Each application and submission will be discussed with the Portfolio Holder. Individual Ward Members will be given an opportunity to submit their views to the Portfolio holder for them to be taken into account whilst ensuring that the required timescales can be met and will be kept informed of decisions affecting their ward.
- 2.7 The proposal below allows for key decisions and decisions in circumstances where there are potentially significant or contentious issues to be decided by the Cabinet Member.

Future Implications for the Borough Council

- 2.8 Whilst Neighbourhood Plans are prepared by bodies external to the Borough Council, it will be the Borough Council's responsibility to 'make' (i.e. adopt) the Neighbourhood Plans and to implement their policies through subsequent decisions on planning applications submitted for consideration. Neighbourhood Plans must however be in general conformity with national planning policy and the approved development plan for the area. In Newcastle-under-Lyme this currently means the adopted Core Spatial Strategy and the 'saved' policies from the Newcastle-under-Lyme Local Plan 2011.
- 2.9 The preparation of a Joint Local Plan for Newcastle-under-Lyme and Stoke-on-Trent City Council is underway. If neighbourhood plans are made in advance of the Local Plan, there is potential for neighbourhood plan policies to become out of date if they were to conflict with policies of a Local Plan that is subsequently adopted. It may be necessary for Qualifying Bodies (QB's) to review their neighbourhood plans in these circumstances.

3. Proposal and Reasons for Preferred Solution

- 3.1 It is proposed to delegate matters of an administrative or technical nature to the Executive Director, Regeneration & Development. Other matters are delegated for decision in consultation with the Cabinet Member unless
 - that stage of the Neighbourhood Planning process has resulted in significant public objection and/or the decision is publicly contentious in the opinion of the Cabinet Member; or
 - the decision is considered to be 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.

Then such decision shall be delegated to the Cabinet Member responsible for the Planning and Housing Portfolio.

The Table at Appendix 1 identifies the various stages of neighbourhood planning and the delegation sought.

4. Financial and Resource Implications

4.1 The Borough Council has a statutory to advise and assist in the preparation of Neighbourhood Plans. The processes set out in this report involve staff time and costs including providing ongoing professional advice and technical support, sharing evidential information and data, organising formal public consultation periods and making the arrangements for the examination and referendum of the Neighbourhood Plans. The Council currently employs a temporary part-time Neighbourhood Planning Officer (0.6FTE) to administer and support this process.

4.2 Funding for Neighbourhood Planning is currently supported by grants available from the Department for Communities and Local Government (DCLG) which is reviewed on an annual basis. The Borough Council can currently claim:

- Area and Forum designation: LPAs can claim £5,000 for the first five neighbourhood areas and first five forums designated. To date, the Council has submitted 5 claims relating to the designation of five neighbourhood areas (£25,000 in total, £5,000 per area).
- For all areas: LPAs can claim £20,000 once they have set a date for a referendum following a successful examination.
- Business areas: LPAs can claim a further £10,000 once they have set a date for a referendum following a successful examination.
- Neighbourhood Development Orders and Community Right to Build Orders: LPAs can claim £20,000 in relation to NDO's and/or CRtBO's for each neighbourhood planning area per year. The claim can be made once the date for the referendum on the orders has been set.
- Modification of a neighbourhood plan that is in force: LPAs will be able to claim £10,000 once they have set a date for a referendum following a successful examination for a modified neighbourhood plan, when a plan is already in force for that area.

4.3 All payments are retrospective and any costs are therefore funded upfront from the Council's existing resources. The extension of delegated powers would achieve time savings by reducing the number of reports being prepared and considered.

5. Outcomes Linked to Corporate Priorities

5.1 The preparation and implementation of Neighbourhood Plans in the Borough will contribute to the following corporate priorities:

- A clean, safe and sustainable Borough
- A Borough of opportunity

- A healthy and active community
- A co-operative council delivering high quality, community driven, services

5.2 The designations are not expected in themselves to have a direct impact on the council's corporate priorities.

6. Legal and Statutory Implications

6.1 Neighbourhood Planning is part of Government policy to empower local communities to take forward planning proposals at a local level as outlined in Section 116 of the Localism Act, 2011. The Act and the Subsequent 2012 Regulations (as amended) confer specific functions on Local Planning Authorities in relation to Neighbourhood Planning. The Council is required to adopt procedures to process Neighbourhood Plans and has a statutory duty to make decisions within prescribed timeframes.

6.2 Neighbourhood Planning is one of the Council's executive functions and all decisions must be made accordingly. Cabinet has the ability to delegate some or all of these decisions to an Officer and /or to an Individual Cabinet Member.

7. Major Risks

7.1 If Cabinet were to continue as the decision making body for decisions relating to Neighbourhood Planning, this would make it very difficult to meet the statutory deadlines enforced by the updated Neighbourhood Planning legislation due to the required consultation periods within parts of the process and the turnaround time for writing and signing off reports before a decision could be made. Failure to comply with statutory deadlines could result in intervention by the Secretary of State in the neighbourhood planning process in the Borough.

8. Appendices

1. Table showing the stages of Neighbourhood Planning and the delegations sought

9. Background information

1. Cabinet Report 19 September 2015

Table 1: Stages of Neighbourhood Planning and delegation sought

Stage	Timescale/ Comments	Proposed delegation
<p>Publication and determination of Neighbourhood Area Applications</p> <p>1. Designation and publication of a Neighbourhood Area where the Qualifying Body (QB) is a Parish or Town Council and the proposed Neighbourhood Area consists of the whole of the Parish/ Town Council boundary.</p> <hr/> <p>2. Where the QB is a Forum (or the area does not consist of the whole of a Parish/ Town Council boundary)</p>	<p>Designation of the area should take place as soon as possible upon receipt of application.</p> <p>The Borough Council has no discretion to amend the boundary provided that the application is valid and complete.</p> <p>No public consultation is required prior to the designation of the area.</p> <hr/> <p>Decision on the application must be made within 13 weeks, or 20 weeks where the application area falls within the areas of two or more local planning authorities.</p> <p>This includes a period of 6 weeks public consultation. Time limits do not apply where a part of an area is already designated or more than one application has been made in overlapping areas.</p>	<p>Executive Director, Regeneration & Development.</p> <p>All relevant Ward members will be notified of the decision to designate the Neighbourhood Area.</p> <hr/> <p>Executive Director, Regeneration & Development in consultation with the Portfolio holder.</p> <p>All relevant Ward members will be notified of the application, given a brief opportunity to provide comments to the Portfolio Holder, and be notified of the decision.</p>
<p>The provision of informal support</p> <p>The provision of informal technical support and advice to QB's on draft neighbourhood plans.</p>		<p>Executive Director, Regeneration & Development.</p>
<p>Provision of Strategic Environmental Assessment and Habitats Regulations</p>		<p>Executive Director, Regeneration & Development.</p>

Screening, where requested.		
Provision of formal comments to the QB on the pre-submission draft plan. (Regulation 14)	The Borough Council has 6 weeks once the consultation period has commenced to provide comments on the draft plan to the Qualifying Body.	Executive Director, Regeneration & Development in consultation with the Portfolio Holder. All relevant Ward members will be notified of the consultation, and given a brief opportunity to provide comments to the Portfolio Holder.
Accepting a submitted Neighbourhood Plan for public consultation. (Regulation 15/16)	Where a QB submits a plan proposal to the Borough Council, the submitted documents will be checked to ensure that they comply with all relevant legislation. If the plan meets the legal requirements, the plan proposal will be publicised for a minimum of 6 weeks and responses will be collated.	Executive Director, Regeneration & Development. All relevant Ward Members will be notified.
Appointment of independent examiner and examination of plan. (Regulation 17)	Appointment of an independent examiner in conjunction with the QB. Make arrangements for the examination and for the provision of documents to the examiner.	Executive Director, Regeneration & Development.
Publication of the Examiners Report	Publish final examiners report on website.	Executive Director, Regeneration & Development.
Decision on examiners recommendation	Within 5 weeks of receiving the examiner's report, or in accordance with the timescale agreed within the QB, a decision will be made by the Borough Council as to whether or not the draft neighbourhood plan meets the legal tests (basic conditions) and whether or not a referendum should be held.	Executive Director, Regeneration & Development in consultation with the Portfolio Holder. All Ward Members will be notified and given a brief

	<p>Where the Borough Council proposes to make a decision that differs from that of the Examiner, additional consultation must be undertaken in accordance with the regulations for a period of six weeks with the final decision being issued within five weeks of the end of that consultation period.</p> <p>Publish decision statement.</p>	<p>opportunity to provide comments to the Portfolio Holder.</p>
<p>Organisation of Referendum</p>	<p>A referendum must be held within 56 working days of the Borough Council's decision that the plan proposal should proceed to a referendum; or 84 working days where there is a business referendum, or where the area falls within more than one LPA.</p> <p>If there is opportunity to combine the referendum poll with another poll that is due to be held within three months of the end of the 56 or 84 day period, then this period will be extended accordingly.</p> <p>These time limits do not apply where there are unresolved legal challenges on the decision to hold a referendum.</p>	<p>Executive Director, Regeneration & Development in conjunction with Electoral Services.</p> <p>All relevant Ward Members will be notified.</p>
<p>Decision to 'make' a neighbourhood plan</p>	<p>The decision to make the plan has to be made within 8 weeks of the result of the referendum, unless there are unresolved legal challenges.</p>	<p>Executive Director, Regeneration & Development in consultation with the Portfolio Holder where the referendum result is positive.</p> <p>In all other cases – Portfolio Holder.</p> <p>All relevant Ward Members will be notified and given a brief opportunity to provide comments to the Portfolio Holder.</p>

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