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Part 1

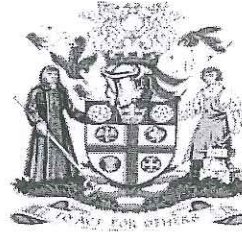
Selby District Council

SSOB/1

REPORT

Reference: E/11/11

Item 7 - Public



To: The Executive
Date: 7th July 2011
Status: Non Key Decision
Report Published: 29 June 2011
Author: Keith Dawson
Executive Member: The Leader
Lead Officer: Keith Dawson

Title: Core Strategy Update

Summary: The report sets out the results of an independent review panel into policy CP1A of the Local Development Framework Core Strategy.

Recommendations:

That the Executive receives and notes the recommendations from the Policy Review Panel.

The Executive approves Option One from the Policy Review Panel.

Reasons for recommendation

To progress the Local Development Framework Core Strategy to Examination.

1. Introduction and background

1.1 Policy and Resources Committee set up a Task and Finish Group to consider and make recommendations on the development of the Councils Local Development Framework (LDF).

The Task and Finish Group was chaired by a Councillor who subsequently made a late declaration of interest with regard to land ownership. Following this late declaration, the Leader of the Council commissioned an independent review panel to evaluate if this late declaration had any impact on the LDF process. This report sets out the findings of the Panel.

2. The Report

- 2.1 The independent review was facilitated by the Director of Community Services and carried out by a Review Panel made up of Elected Members who had no prior involvement in LDF Task and Finish Group meetings.
- 2.2 Given that the declaration of interest related to land ownership that could potentially be affected by Policy CP1A, the terms of reference for the Review Panel were to carry out an independent examination of the development of Policy CP1A which had been developed to control housing development. The Review Panel was to consider whether or not any actions or decisions of the LDF Task and Finish Group had any inappropriate impact on the development and consequent soundness of the final policy.
- 2.3 In preparation for the meeting Officers reviewed the evidence previously considered by the LDF Task and Finish Group. Extracts relating to the development of Policy CP1A from reports and the associated minutes for LDF Task and Finish Groups and relevant Policy and Resources Committees between June 2010 and December 2010 were provided to the Review Panel and a meeting held to consider the content.
- 2.4 The meeting was held on 28 April 2011. Officers used the relevant reports and minutes of the LDF Task and Finish Group and Policy and Resources Committee as a reference point to explain the development of CP1A and provide the Review Panel with the opportunity to consider the development of CP1A.

Following detailed consideration of each of the stages of the development of CP1A the Review Panel concluded:

- (i) that a thorough and methodical process had been followed
- (ii) that the development of the policy was well documented.

It was noted that one of the key drivers for the development of CP1A was due to external forces when Central Government changed with immediate effect the categorisation of garden land, and that there was a similar impact on the development of the current Selby Local Plan policies due to external forces.

- 2.5 The Review Panel concluded that Policy CP1A is a sound policy as:

- (i) officers had used their professional expertise to analyse and present information to the Task and Finish Group
- (ii) the development of Policy CP1A was not unduly influenced by the Task and Finish Group
- (iii) the only significant development to the text of CP1A by Elected Members was proposed and agreed at Policy and Resources Committee on 27 July 2010.

The Review Panel acknowledged that CP1A is not entirely in accordance with national policy. This was considered to be entirely acceptable given the current Government's localism ambitions.

2.6 The Review Panel recommended three options for consideration by the Executive:

1. Retain the existing wording of Policy CP1A.
2. Delete part of the text on secondary villages and reconsult.
3. Delete part of the text on secondary villages and present to the Inspector with the statement of common ground in advance of the Examination.

2.7 Each Option contains an element of risk.

Option 1. There is a risk of challenge at the Inquiry on the grounds that development of Policy CP1A has been inappropriately influenced through Councillor and Officer interaction. The findings of the Policy Review Panel would provide evidence to support a defence of such a challenge.

Option 2. There is a significant risk that any delay for further consultation will increase the opportunity for challenge on the grounds that the evidence base underpinning the Core Strategy is outdated. If such a challenge is successful this would involve considerable expense in engaging consultants to update specialist studies such as the Strategic Housing Land Assessment, Economic Viability Study and Retail, Commercial and Leisure studies.

Option 3. There is an element of risk that the Inspector may consider this to be such a significant change in policy that further consultation would be required. This would be a more focussed consultation than that considered in option 2.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

Each of these options present different legal risks having regard to the nature of the correspondence received during the consultation process

pertaining to matters of legal compliance, it is advisable that these issues are dealt in exempt.

3.2 Financial Issues

The financial implications of each option are as follows:

Option 1. There will be financial costs associated with any Inquiry delay due to a successful challenge. The financial implications will depend on the length of the delay.

Option 2. Reconsultation is likely to be in the region of £5k plus officer time. The most significant financial implication will be the cost of refreshing the LDF evidence base underpinning the core strategy. In excess of £150k has been invested in the evidence base to date.

Option 3. If further consultation is required this is likely to be more focussed and costs would be similar to Option 1.

For each option there is no identified budget and the cost and availability of staff resources are yet to be determined.

4. Conclusion

- 4.1 The Policy Review Group concluded that the LDF Core Strategy Policy CP1A is sound in the way it was formulated through Councillor and Officer interaction.
- 4.2 However the Review Panel acknowledged that CP1A is not entirely in accordance with national policy and recommended three options for consideration by the Executive.
- 4.3 In light of the levels of risk and likely financial consequences considered above, Officers recommend that the Executive approve Option 1 Retain the existing wording of Policy CP1A.

5. Background Documents

None

Contact Details

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Appendices:

Report of the Policy Review Group.

Report of Policy Review Group

Introduction

Policy and Resources Committee set up a Task and Finish Group consisting of four members of the Committee to consider and make recommendations on the development of the Councils Local Development Framework (LDF).

The Task and Finish Group was chaired by Councillor Brian Percival, who subsequently made a late declaration of interest with regard to land ownership. Following this late declaration, the Leader of the Council commissioned an independent review panel to evaluate if this late declaration had any impact on the LDF process.

The review was facilitated by the Director of Community Services and carried out by a Review Panel made up of Elected Members who had no prior involvement in LDF Task and Finish Group meetings. The Elected Members nominated to support this review were:

- Steve Shaw-Wright
- Ruth Sayner
- Eileen Metcalfe

Given that the declaration of interest related to land ownership that could potentially be affected by Policy CP1A, the terms of reference for the Review Panel were to carry out an independent examination of the development of Policy CP1A which had been developed to control housing development. The Review Panel was to consider whether or not any actions or decisions of the LDF Task and Finish Group had any inappropriate impact on the development and consequent soundness of the final policy.

The Review

In preparation for the meeting Officers reviewed the evidence previously considered by the LDF Task and Finish Group. Extracts relating to the development of Policy CP1A from reports and the associated minutes for LDF Task and Finish Groups and relevant Policy and Resources Committees between June 2010 and December 2010 were provided to the Review Panel and a meeting held to consider the content.

The meeting was held on 28 April 2011. The Review Panel was invited although Councillor Ruth Saynor was unable to attend. The Review Panel considered that the meeting could progress in her absence and the remaining members of the Panel provided an appropriate balance. The meeting was facilitated by the Director of Community Services and supported by the Business Manager with the policy lead and the Principal Planning Officer from the LDF Team. The minutes of the meeting were agreed in May 2011.

In order to set the context of the review, Officers used the relevant reports and minutes of the LDF Task and Finish Group covering the development of this

policy. Officers used the papers as a reference point to explain the development of CP1A and provide the Review Panel with the opportunity to consider the development of CP1A.

The Principal Planning Officer provided an overview of the development of the policy from the responses received to consultation on the Draft Core Strategy to the minutes of Policy and Resources Committee on 14 December where the Draft Core Strategy was approved for Publication.

At this stage the relationship between the Interim Housing Policy and Policy CP1A in the Draft Core Strategy was discussed and clarified.

There then followed a more detailed consideration of each of the stages of the development of CP1A including:

- Responses to the consultation on the Draft Core Strategy considered by the LDF Task and Finish Group 30 June and 7 July 2010 and relevant minutes.
- The Minutes of Policy and Resources Committee on 27 July 2010 where a minor amendment to Policy CP1 was agreed and officers were instructed to consult on the Interim Housing Policy
- The LDF Task and Finish Group on 2 September 2010 and relevant minutes which considered the text of the Interim Housing Policy and approved the content for public consultation.
- The Minutes of Policy and Resources Committee on 28 September 2010 where the above minutes were approved.
- Responses to the consultation on the Interim Housing Policy considered by the LDF Task and Finish Group on 30 November 2010 and relevant minutes.
- The Publication version of the Draft Core Strategy considered by the LDF Task and Finish Group on 30 November 2010 and relevant minutes.
- Minutes of the Policy and Resources Committee 14 December 2010 where the Draft Core Strategy was approved for public consultation.

From the above considerations two distinct forces were identified which influenced the development of Policy CP1A.

- (i) The change in Central Government Policy in the summer of 2010 which amended Planning Policy Guidance Note 3 and changed the definition of brownfield and the recategorisation of garden land from "brownfield" to "greenfield". And
- (ii) The responses received to various rounds of public consultation.

Officers were able to refer to their comments and recommendations to previous Task and Finish Group meetings in response to issues raised in the public consultation and illustrate an audit trail of amendments to policy and supporting text.

One significant amendment to Policy CP1 was proposed at Policy and Resources Committee on 27 July 2010. The purpose of this amendment was to provide greater clarity about the types of residential development which may be acceptable in different settlements. This amendment was not proposed by the Chair of the Task and Finish Group and it was approved by the Policy and Resources Committee.

Conclusion

Following questions to the Officers, consideration of the documents presented, and discussions between the Review Panel members, the Review Panel concluded:

- (i) that a thorough and methodical process had been followed
- (ii) that the development of the policy was well documented.

It was noted that one of the key drivers for the development of CP1A was due to external forces when Central Government changed with immediate effect the categorisation of garden land, and that there was a similar impact on the development of the current Selby Local Plan policies due to external forces.

The Review Panel concluded that Policy CP1A is a sound policy as:

- (i) officers had used their professional expertise to analyse and present information to the Task and Finish Group
- (ii) the development of Policy CP1A was not unduly influenced by the Task and Finish Group
- (iii) the only significant development to the text of CP1A by Elected Members was proposed and agreed at Policy and Resources Committee on 27 July 2010.

However, the Review Panel acknowledged that CP1A is not entirely in accordance with national policy. This was considered to be entirely acceptable given the current Government's localism ambitions. However after further consideration of the consultation responses a minor amendment to the policy was proposed.

Recommendations

The Review Panel recommended three alternatives for consideration by the Executive:

1. Retain the existing wording of Policy CP1A.
2. Delete part of the text on secondary villages and reconsult.
3. Delete part of the text on secondary villages and present to the Inspector with the statement of common ground in advance of the Examination.

The revised text in recommendations two and three above is as follows:

- **In Selby, Sherburn in Elmet, Tadcaster and Designated Service Villages – conversions, replacement dwellings, redevelopment of previously developed land and appropriate scale development on greenfield land (including conversion/redevelopment of farmsteads).**
- **In Secondary Villages – conversions, replacement dwellings, redevelopment of previously developed land, ~~filling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads.~~**

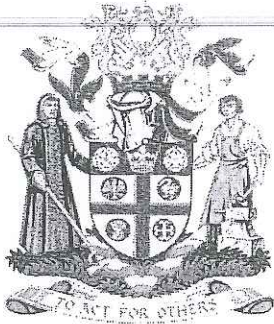
Next Steps

Due to the progress made it was agreed that it the report and minutes be circulated and a follow up meeting only be called if necessary and only if required by elected members would another meeting of the Review Panel be arranged.

The recommendations have not been subject to any risk assessment and this will be considered as part of a report to the Executive.

To support the Executive's consideration of the third recommendation, officers were asked to explore whether this option would affect the soundness of the Core Strategy and this will be considered as part of the report to the Executive.

Selby District Council



Minutes

Executive

Venue: Committee Room 2, the Civic Centre, Portholme Road, Selby

Date 7 July 2011

Present: Councillor M Crane (Chair), Mrs G Ivey
C Lunn, C Metcalfe and J Mackman

Apologies for Absence: None

Officers present: Martin Connor - Chief Executive
Karen Iveson – Executive Director (s151)
Keith Dawson – Director of Community Services
Rose Norris – Executive Director
Michelle Sacks – Solicitor to the Council
Sarah Smith – Business Manager
Drew Fussey – Development Manger
Glenn Shelley – Democratic Services Manager

NOTE: All the decisions are subject to call-in arrangements except the matter set out at Minute 13 which has already been subject to scrutiny. The deadline for call-in is 5pm 19 July 2011. Decisions not called in may be implemented on 20 July 2011.

11. Minutes

The minutes of the meeting on 2 June 2011 were submitted, agreed and signed by the Chair.

12. Disclosures of Interest

Councillor C Lunn disclosed a personal and prejudicial interest in the business set out at Minute 13 [Selby College Sports Pitch] arising from his membership of the College Board of Governors and he left the meeting during discussion and voting on that item.

Councillor J Mackman disclosed a personal and prejudicial interest in relation to the decision on the independent review of the draft Policy CP1A of the Core Strategy arising from his previous membership of the Task and Finish Group. He left the meeting during discussion and voting on that item.

Having declared a personal and prejudicial interest in the item set out below Councillor C Lunn left the meeting.

13. Scrutiny Committee Referral to the Executive- Selby College Sports Pitch – Key Decision

The Executive received report **Report E/11/8** which set out the reasons for referral by Scrutiny Committee. Councillor M Crane had attended Scrutiny Committee and provided details of the discussion.

The Executive felt that they had given due consideration to all points raised by Scrutiny Committee and that they had considered all relevant information when taking the original decision.

The Executive considered that Abbey Leisure Centre was the focus for sport in Selby and the addition of the sports pitch represented the best value for money available.

The Executive accepted that the decision would be disappointing for the College and were keen to acknowledge that the District was very fortunate to have such a high performing academic institution.

Resolved:

- i) To receive and note Report E/11/8;**
- ii) To pursue the refurbishment of the existing all weather pitch at Abbey Leisure Centre, with the Council's leisure service partner.**

Reasons for decisions:

- i) To ensure the Council operates a robust decision making process in line with the Constitution;
- ii) To focus the Council's capital funds on the refurbishment of an existing leisure facility which is owned and operated by the Council

for the whole community and to do so in partnership with the Council's leisure service partner WLCT.

Councillor C Lunn returned to the meeting.

14. Community Engagement Strategy

Councillor C Metcalfe presented **Report E/11/9** updating Executive Members on the revised draft Community Engagement Strategy 2011-2014.

The Executive welcomed the report and discussed the importance of engaging with local communities. Councillors then highlighted the Community Engagement Forums and the challenges in increasing attendance.

Resolved:

- i) To receive and note Report E/11/9 and the findings of the 'Big Picnic Event';**
- ii) To adopt the new Community Engagement Strategy as set out in Report E/11/9.**

Reasons for decisions:

- i. To enable the adoption of the Community Engagement Strategy 2011-14.**

15. Review of Car Parking Fees

Councillor C Metcalfe presented **Report E/11/10** which outlined the options for fee increases and considered the financial impact and the strategic fit to corporate objectives.

Councillor C Metcalfe felt that the decision taken in 2010 to defer the Review of Car Park fees for a year had been correct. July 2011 was a more appropriate time to consider the matter.

Councillor C Metcalfe outlined that the strategy behind the increases was based on making more effective use of the Car Parks. To encourage the consumers to make effective use of both the Short and Long Stay Car Parks available.

Councillors felt that Car Parks in Selby still offered very good value for money in comparison with similar sized towns outside of the district. The Executive asked that the appropriate Overview and Scrutiny Committee be offered the opportunity to consider the report as part of the consultation.

Resolved:

- (i) **To increase Car Park Fees in line with Option 1A in the report, subject to a statutory minimum 6 weeks consultation period.**

Reasons for decisions:

- i) To review fees and charges in line with the Car Park Strategy whilst minimising increases in charges to short stay car parks to optimise turnover of cars and meet the needs of shoppers visiting the Town;
- ii) To comply with the Local Authorities Traffic (Procedures)

Having declared a personal and prejudicial interest in the item set out below Councillor J Mackman left the meeting.

16. Core Strategy Update

Councillor M Crane presented Report E/11/11 which set out the results of an independent review panel on policy CP1A of the Local Development Framework Core Strategy.

Councillor M Crane reminded the Executive of the background to the report and remit of the second Task and Finish Group.

The Executive were supportive of the report and of the good work undertaken by the second Task and Finish Group.

Resolved:

- i) **To receive and note the recommendations from the Policy Review Panel;**
- ii) **To approve Option One from the Policy Review Panel.**

Councillor J Mackman returned to the meeting.

17. Annual Report

Councillor M Crane presented Report E/11/12 which provided the proposed text for the Council's Annual Report 2010/11. The document summarises the Council's achievements during the year, focusing primarily on work in priority areas, as well as giving an overview of organisation and the financial position.

Resolved:

To accept the text of the Annual Report as an accurate record of the Council's achievements during the financial year 2010/11.

Reasons for decision: To enable the Council to publish the Annual Report by the end of July, in line with the Audit Commission's recommended good practice.

18. Overview and Scrutiny Committee Work Programmes

Councillor M Crane presented **Report E/11/13** which informed the Executive of the Work Programmes which had been developed for Policy Review, Scrutiny and Audit Committee.

Councillors heard that the Work Programmes were still being developed by the Overview and Scrutiny Committees, each of which had met on one occasion.

Councillor M Crane informed the Executive of discussions he had held with Councillor Mrs W Nichols as Chair of Scrutiny Committee regarding its review of the New Homes Bonus.

Resolved:

To support and note Report E/11/13.

Reasons for decisions: To ensure the Overview and Scrutiny Work Programmes make effective use of Council resources.

19. Selby District Council Employer Discretion Policy (LGPS) 2009 (Early Retirement Policy)

Councillor C Lunn presented Report E/11/14 which provided the Executive with Selby District Council's Employer Discretion Policy. Councillors heard that the Local Government Pension Scheme was a statutory scheme with the majority of rules set out in law. However, some areas of the Scheme are left open to 'Employer Discretions'.

Resolved:

To adopt the Selby District Council Employer Discretion Policy.

At this point in the meeting, Councillor C Metcalfe informed the Executive that it had been brought to his attention, that both the items listed to be considered in private session had been 'leaked' to local newspapers. The Executive condemned this action, which was a breach of the Code of Conduct, and could jeopardise both Council and the public interests in these areas.

20. Private Session

Resolved: In accordance with Section 100(A)(4) of the Local Government Act 1972 and in view of the nature of the business to be transacted, to exclude the press and public from the meeting during discussion of the following item as there is likely to be disclosure of exempt information.

21. Review of Countryside Management Service – Key Decision

Councillor C Metcalfe presented Report E/11/15 which provided a review of the options for the future delivery of Countryside Management across the District.

Councillor C Metcalfe informed the Executive that there were a number of opportunities to work with the partners to deliver benefits to both the natural environment and local communities whilst achieving significant savings for the Council.

The Executive discussed the options put forward and made particular reference to the future of Barlow Common. Councillor Crane was keen to ensure that Barlow Common remained a great area for all communities of Selby District to enjoy.

Councillor C Metcalfe clarified the recommendation in the report, stating that the Countryside Management Strategy would be received by the Executive at its meeting in November.

Resolved:

- i) **To accept the findings of the report;**
- ii) **To agree to move to an unstaffed facility at Barlow Common with effect from September 2011;**
- iii) **To progress the development of a Countryside Management Strategy with Partners as described in Option D and that the Strategy be brought for decision to the Executive in November 2011.**

22. CCTV Provision

Councillor C Metcalfe presented Report E/11/16 which reviewed and made recommendations on the Council's CCTV provision and arrangements for monitoring and maintenance in the future.

The Executive considered the range of options identified in the report. It was highlighted a number of potential private sector providers had felt unable to produce a thorough pricing breakdown without a detailed specification.

Councillor Crane stated that he had received and responded to an email from the Council's current CCTV provider.

Councillors were supportive of the proposal to reduce the number of cameras in operation to 10. The Executive then discussed the need for effective maintenance and monitoring of CCTV cameras to ensure value for money.

Resolved:

- i) The Executive accepts the principle of reducing the number of operational cameras to 10;**
 - ii) Before making a decision, the Executive will receive more detailed options information from officers which will include a detailed specification outlining monitoring arrangements.**
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The meeting concluded at 6.26pm