

Report of the Head of Scrutiny and Member Development

Report to Scrutiny Board (Housing and Regeneration)

Date: 30th October 2012

Subject: Recommendation Tracking on Housing Growth

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report sets out the progress made in responding to the recommendations arising from the previous Scrutiny review of housing growth.
2. The last tracking report on this matter was considered by Scrutiny Board (Regeneration) on 27th March 2012 and the category status on progress agreed at that time is shown in brackets in Appendix 2 of this report.
3. The Scrutiny recommendation tracking system allows the Scrutiny Board to monitor progress and identify completed recommendations; those progressing to plan; and those where there is either an obstacle or progress is not adequate. The Board will then be able to take further action as appropriate.

Recommendations

4. Members are asked to:
 - Agree those recommendations which no longer require monitoring;
 - Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

1 Purpose of this report

- 1.1 This report sets out the progress made in responding to the recommendations arising from the previous Scrutiny review of Housing Growth within Leeds.

2 Background information

- 2.1 Following its review of Housing Growth, the Regeneration Scrutiny Board published its final report and recommendations on 11th October 2011.
- 2.2 The Scrutiny recommendation tracking system allows the Board to monitor progress and identify completed recommendations; those progressing to plan; and those where there is either an obstacle or progress is not adequate. The Board will then be able to take further action as appropriate.
- 2.3 The Scrutiny Board (Regeneration) at its meeting on 27th March 2012 considered the first tracking report on this matter and it followed the report of the Director of City Development to the Executive Board in November 2011 which summarised the progress made in responding to the 12 recommendations arising from the Scrutiny review. Recommendations 4, 6 and 12 have been completed and are not included in Appendix 2.

3 Main issues

- 3.1 A standard set of criteria has been produced to enable the Board to assess progress. These are presented in the form of a flow chart at Appendix 1. The questions in the flow chart should help to decide whether a recommendation has been completed, and if not whether further action is required.
- 3.2 To assist Members with this task, the Principal Scrutiny Adviser has given a draft status for each recommendation. The Board is asked to confirm whether these assessments are appropriate, and to change them where they are not. Details of progress against each recommendation is set out within the table at Appendix 2.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Where internal or external consultation processes have been undertaken with regard to responding to the Scrutiny Board's recommendations, details of any such consultation will be referenced against the relevant recommendation within the table at Appendix 2.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Where consideration has been given to the impact on equality areas, as defined in the Council's Equality and Diversity Scheme, this will be referenced against the relevant recommendation within the table at Appendix 2.

4.3 Council Policies and City Priorities

- 4.3.1 This section is not relevant to this report.

4.4 Resources and Value for Money

- 4.4.1 Details of any significant resource and financial implications linked to the Scrutiny recommendations will be referenced against the relevant recommendation within the table at Appendix 2.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This report does not contain any exempt or confidential information.

4.6 Risk Management

- 4.6.1 This section is not relevant to this report.

5 Conclusions

- 5.1 The Scrutiny recommendation tracking system allows the Board to monitor progress and identify completed recommendations. Progress in responding to those recommendations arising from the Scrutiny review of Housing Growth within Leeds is detailed within the table at Appendix 2 for Members' consideration.

6 Recommendations

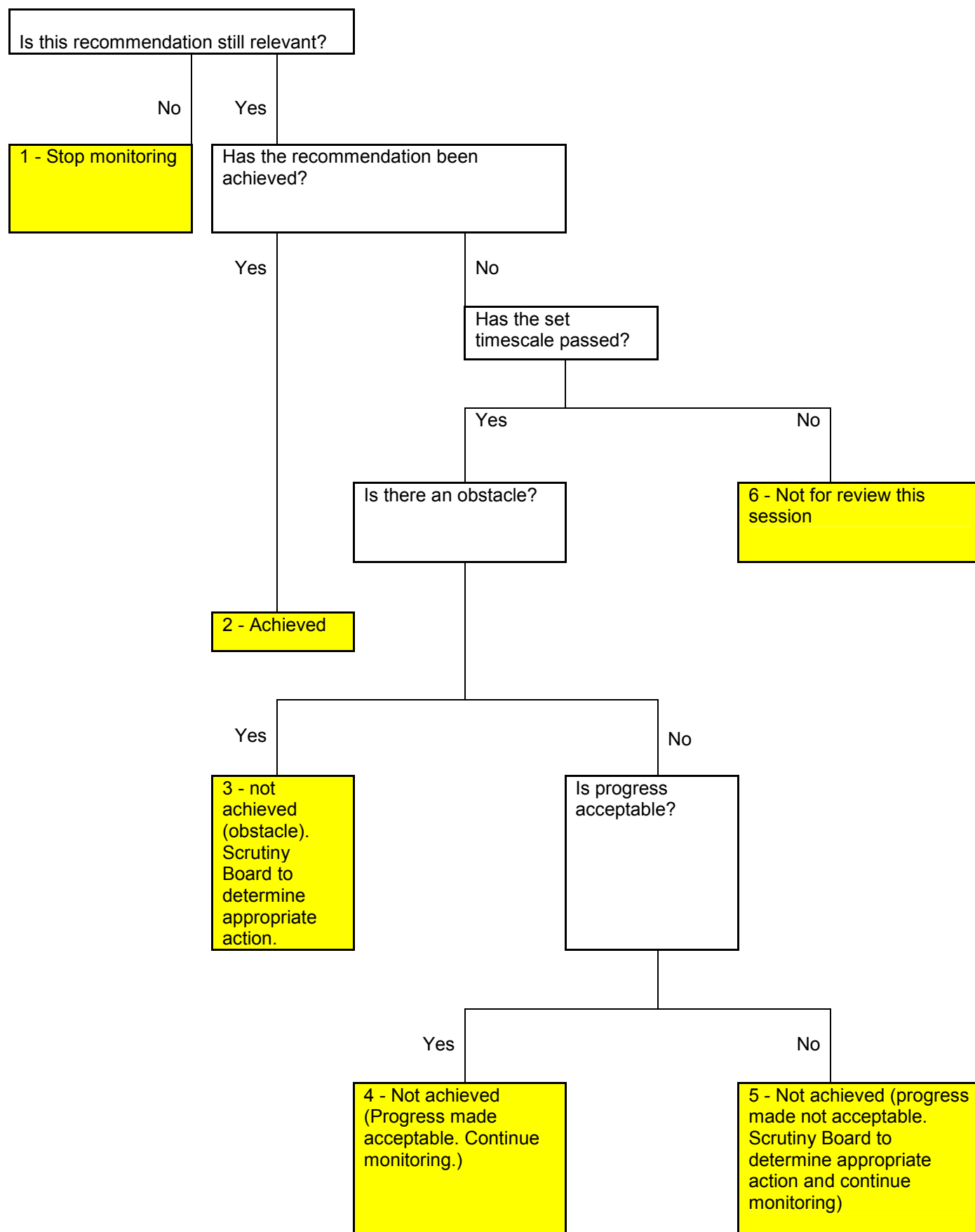
- 6.1 Members are asked to:
- Agree those recommendations which no longer require monitoring;
 - Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Recommendation tracking flowchart and classifications:
Questions to be Considered by Scrutiny Boards



Review of Housing Growth in Leeds

Categories

- 1 - Stop monitoring
- 2 - Achieved
- 3 - Not achieved (Obstacle)
- 4 - Not achieved (Progress made acceptable. Continue monitoring)
- 5 - Not achieved (Progress made not acceptable. Continue monitoring)
- 6 - Not for review this session

Recommendation for monitoring	Evidence of progress and contextual information	Status (categories 1 – 6) (to be completed by Scrutiny)	Complete
<p>Recommendation 1.</p> <p>That dependent upon the outcome of the 2011 Census the Executive Board make representations to the Department for Communities and Local Government (DCLG) that in order to achieve greater accuracy in the data provided by the Office for National Statistics a population register should be introduced.</p>	<p>Formal Response from Executive Board 2nd Nov 2011</p> <p>Agreed</p> <p>Position March 2012:</p> <p>This will be considered in the light of the outcome of the census. The first of the data is expected to be released in June.</p> <p>Current Position Oct 2012:</p> <p>In August 2012, there was a high level meeting between ONS officials and Leeds City Council, involving James Rogers and Malachi Rangecroft that explored the shortcomings of ONS population forecasts. This has identified the need to explore discrepancies in terms of migration and student numbers using more detailed Census 2011 releases, and to explore discrepancies between GP Registration records and the 2011 census population of Leeds. ONS have agreed to include a piece of work to reconcile these statistics scheduled for autumn 2012.</p>	<p>(4)</p> <p>Change to</p> <p>2</p>	

<p>Recommendation 2.</p> <p>That the Director of Environment and Neighbourhoods consider whether there would be an advantage in moving away from the DCLG household model altogether and relying on local data which would be more accurate in determining housing need.</p> <p>That the Director of Environment and Neighbourhoods report back to this Scrutiny Board on the outcome within 3 months of its report being published.</p>	<p>Formal Response from Executive Board Nov 2011</p> <p>Agreed</p> <p>Position March 2012:</p> <p>In addition to the SHMA, the Directorate of Environment & Neighbourhoods utilises neighbourhood level Housing Market Assessments to inform housing needs, trends and aspirations within local housing markets. Along with data from the Leeds Homes register (in connection to demand for social housing) this gives a picture of the housing required within individual communities to inform the approach to investment.</p> <p>Current Position Oct 2012:</p> <p>The Director of Environment and Neighbourhoods does not rely on the DCLG household model to determine housing need. Instead the SHMA, and neighbourhood level Housing Market Assessments are used to inform housing needs, trends and aspirations within local housing markets. Along with data from the Leeds Homes register (in connection to demand for social housing) this gives a picture of the housing required within individual communities to inform the approach to investment. In addition data supplied by the Information and Intelligence Team such as Neighbourhood Index data and updated census information is utilised to supplement the local information already held.</p>	<p>(4)</p> <p>Change to</p> <p>2</p>	<p>yes</p>
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<p>Recommendation 3.</p> <p>That the Executive Board oppose the proposal of the National Planning Policy Framework that requires an additional 20% over an above the figure required in the five year supply of housing units to be delivered per annum in the city. Their proposal would mean sites coming forward at an earlier stage and could undermine the Council's policy to develop its Brownfield sites.</p>	<p>Formal Response from Executive Board Nov 2011</p> <p>Agreed</p> <p>Position March 2012:</p> <p>The Council's response to the Draft NPPF was agreed by Executive Board in October and reflected the concern raised by Scrutiny Board.</p> <p>Current Position Oct 2012:</p> <p>Notwithstanding the City Council's comments on the Draft NPPF, the final NPPF was published in March 2012 including a buffer addition to the five year supply of 5% (or 20% for those authorities with a persistent record of under-delivery of housing)</p>	<p>(4)</p> <p>Change to</p> <p>2</p>	<p>Yes</p>
<p>Recommendation 5.</p> <p>That the Director of City Development consider whether through the SHLAA partnership or other mechanism; developers can be encouraged through incentives to deliver on sites where planning approvals have been granted and there are no technical reasons for these not to be progressed.</p>	<p>Formal Response from Executive Board Nov 2011</p> <p>Agreed</p> <p>Position March 2012:</p> <p>The Council has introduced an interim affordable housing policy, reflecting scheme viability in the current housing market. The policy is time limited as an incentive to early delivery. Consistent with national guidance the Council is willing to reconsider S106 obligations more generally where viability can be demonstrated to be holding back development.</p> <p>Current Position Oct 2012:</p> <p>City Development will continue to work with developers on individual housing sites to resolve detailed planning issues to help bring them forward for development.</p>	<p>(4)</p> <p>4</p>	

<p>Recommendation 7</p> <p>That the Leeds City Region Partnership be asked to consider through their work on a City Region Strategy Statement, that where a local authority makes either an over or under provision of new homes above or below locally evidenced targets, that both these circumstances are taken into account in arriving at the overall scale of provision of new homes in the city region. These arrangements for the provision of new homes is to be agreed through the Leaders Board of the Partnership and incorporated into each authorities' Core Strategy in the city region.</p>	<p>Formal Response from Executive Board Nov 2011</p> <p>Agreed</p> <p>Position March 2012:</p> <p>Report to the Leaders Board (2nd Feb) on future arrangements for Spatial Planning in the City Region. This includes exploration of how directive the Partnership wishes to be in regard of strategic planning. The outcome of these deliberations will inform how we progress any further work on how we can 'pool' our collective housing provision.</p> <p>Current Position October 2012:</p> <p>At their meeting on 2nd Feb the Leaders Board resolved that authorities should do further work on how they will exercise the duty to cooperate prior to any further consideration of a city region approach. Since then a significant amount of work has been carried out by individual authorities and through collective technical work which has focussed on the immediate requirements of the duty in respect of those plans that are about to be taken to the Examination in Public stage. This has greatly helped in delivering efficiencies through carrying out work collectively once rather than individually a number of times and in clarifying the requirements of the duty. To date this work has not required the leaders board to make decisions as it has focussed on the technical and legal requirements of the duty and developing common approaches to documenting the requirements of the duty.</p> <p>To date, no further action has been taken on the pooling of housing provision and each authority is dealing with its own needs.</p> <p>However the Leaders Board received a report on 11th Oct which provided an update on the state of the housing market in the city region and levels of development, and the ongoing activity and</p>	<p>(4)</p> <p>4</p>	
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	<p>issues to be considered in supporting housing growth and delivery. The report addresses changes to the housing market, incentives to increase delivery and further work to increase delivery. Leaders were concerned about the level of housing delivery over recent years and asked that activity be undertaken to develop proposals to help stimulate the market . However the focus for the Leeds City Region needs to be on delivery not necessarily policy and numbers.</p>		
<p>Recommendation 8.</p> <p>That the Director of City Development</p> <ul style="list-style-type: none"> • Continue to make representations to the Secretary of State for Communities and Local Government to count windfall sites within the Council's five year housing land supply. • Seek to establish principles within the Council's Core Strategy that support this outcome . • Seek to include student accommodation within windfall sites. • Write to all Members of Parliament providing a clear and uncomplicated explanation of the principle issues of concern so that MPs can continue to press the Leeds case with Ministers, Senior Civic Servants and other interested parties . A copy of the Director's letter to MPs also to be circulated to all Members of Council. 	<p>Formal Response from Executive Board Nov 2011</p> <p>Agreed</p> <p>Position March 2012:</p> <p><u>City Development Directorate</u></p> <p>This was incorporated in the Council,s response on the Draft NPPF. A letter was sent to all Leeds MPs, Greg Clark MP, the LGA, Core Cities, all councilors and CLG.</p> <p>The matter has also be raised in a letter to MPs regarding the revocation of RSS and a letter in January 2012 to Greg Clark MP and the government`s chief planner raises further concern over the 5 yr land supply</p> <p>The approach in the Core Strategy (Executive Board 10th February) is to include and justify a windfall allowance.</p> <p><u>City Region</u></p> <p>Windfall issue raised with Ministers as part of the dialogue on city deals being brokered by the city region partnership. Looking to collate more information about the role of windfall across the city region as part of developing the dialogue</p>	(4)	

	<p>Current Position Oct 2012:</p> <p>Representations were made to the Secretary of State for DCLG on windfall sites. MPs were also written to.</p> <p>National policy has been changed to accept windfall allowances providing they are realistic based upon evidence.</p> <p>The Core Strategy Publication Draft includes a windfall allowance of 500 dwellings p.a.</p> <p>City Development is prepared to count student dwellings in housing supply calculations, including on windfall sites, providing they are in the form of class C3 dwellings as defined in the use class order. It is considered that most student dwellings will fall into this category.</p>	<p>Change to</p> <p>2</p>	<p>Yes</p>
<p>Recommendation 9</p> <p>(a) That the Directors of City Development and Environment and Neighbourhoods undertake some initial work to identify ways in which the engagement and influence of local communities could be achieved under the Localism Bill.</p> <p>(b) That Executive Board make appropriate representations concerning the Bill that will require developers to consult with local communities including Town and Parish Councils where developments exceed more than 50 dwellings.</p>	<p>Formal Response from Executive Board Nov 2011</p> <p>Agreed</p> <p>Position March 2012:</p> <p>Executive Board of 2 November 2011 considered a report on neighbourhood planning. The Council agreed to support 4 bids for pilot status for neighbourhood planning in Kippax, Holbeck, Boston Spa and Otley. Support for the pilots is in part intended to provide the opportunity to learn from experience how the process works in different communities. The outcome of the bid is still awaited. Recommendation 9(a) should have been directed at the Assistant Chief Executive Customer and Access portfolio</p> <p>The Council responded to the draft regulations on Neighbourhood Planning (Executive Board 4th January 2012). However, these regulations did not include arrangements for consultation on planning applications.</p>	<p>(4)</p>	

	<p>Current Position Oct 2012</p> <p>a) Leeds has embarked upon supporting an extensive programme of Neighbourhood Plans which are possible as a result of the Localism Act.</p> <p>b) The Localism Act is now fully enacted and does not include arrangements for developers to consult with Town and Parish Councils.</p>	<p>Change to 2</p> <p>3</p>	<p>Yes</p>
<p>Recommendation 10.</p> <p>That the Executive Board</p> <ul style="list-style-type: none"> • Support the view that growth and infrastructure provision in the city must go hand in hand with the development of a new business model which incorporates the new Community Infrastructure levy (CIL) and new procedures for determining and developing strategic projects in the city region and support for significant local schemes in Leeds . • Agree that 80% of the income to be raised through the CIL be ring fenced for the benefit of local communities with the balance being directed into a general fund to support city and city regional projects. 	<p>Formal Response from Executive Board Nov 2011</p> <p>Not agreed and that a further report being submitted to the Executive Board in December 2011 in respect of issues arising from recommendation 10.</p> <p>Executive Board on 14th December considered a report giving background information relating to the implementation of the Community Infrastructure Levy.</p> <p>The Executive Board agreed that a Community Infrastructure Levy Charging Schedule be developed as a matter of priority, and that the necessary funding, as set out within paragraph 4.4.2 of the submitted report, be approved. It also asked for further work to be undertaken in relation to all the concerns raised during the discussion, with a further report on such matters being submitted to the Board in due course.</p> <p>Position March 2012:</p> <p>The position is as set out above</p> <p>Current Position Oct 2012</p> <p>No further comments provided</p>	<p>(3)</p> <p>3</p>	

<p>Recommendation 11.</p> <p>That the Director of City Development establish a working group comprising appropriate members, officers, developers, representatives of neighbourhoods, HCA and Town and Parish Councils to promote better understanding of each others issues and concerns regarding housing provision in the city.</p>	<p>Formal Response from Executive Board Nov 2011</p> <p>Agreed</p> <p>Position March 2012 : There has been some discussion on engagement at the annual parish and town councils meeting leading to a review of the Charter. At a more local level early engagement has taken place between officers, parish council representatives, ward members and the developer regarding the major East Leeds Extension development. A consultation forum involving these groups and others is to be established. In addition there is already a major developers forum on which there is parish council representation</p> <p>Current Position Oct 2012 No further comments provided</p>	<p>(4)</p> <p>4</p>	
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