



# **Council Meeting**

**To be held on  
Monday 11 February 2013**





You are hereby summoned to attend a meeting of NOTTINGHAM CITY COUNCIL at the Council House, Nottingham, on Monday 11 February 2013 at 2.00 pm to transact the following business:

- 1 Apologies for absence
- 2 Declarations of interests
- 3 To receive:
  - (a) questions from citizens;
  - (b) petitions from Councillors on behalf of citizens
- 4 To confirm the minutes of the last meeting held on 28 January 2013 305
- 5 To receive official communications and announcements from the Leader of the Council and/ or the Chief Executive
- 6 To receive without discussion:
  - (a) answers from the City Council's lead Councillor on the Nottinghamshire and City of Nottingham Fire and Rescue Authority to questions on the discharge of that authority's functions;
  - (b) answers from a Councillor from the Executive Board, the Chair of a Committee and the Chair of any other City Council body to questions on any matter within their remit.
- 7 To consider a report of the Deputy Leader on Council Tax Discounts for Empty Properties 321
- 8 To consider a report of the Portfolio Holder for Planning and Transportation on the Nottingham City Aligned Core Strategy – Submission to the Secretary of State 331

9 To consider motion in the name of Councillor Collins:

“This Council believes that corporate tax avoidance by large companies making huge profits is unfair, unjust and morally wrong.

As public services face huge cuts and ordinary households are facing an ever tightening squeeze, this Council notes:

- That companies and organisations who purposely avoid paying their taxes are failing to meet their social obligations
- That these same bodies do not make a fair contribution to the communities from which they draw their profits
- That tax avoidance by major corporations is a direct result of Central Governments’ failure to regulate properly

This Council resolves:

- To do all that is reasonable to fight tax avoidance
- Wherever possible, to prevent tax avoiding organisations from securing contracts with Nottingham City Council
- To lobby the government to legislate to prevent corporations using tax havens and to increase the transparency of corporate accounts
- To engage with local tax justice campaigners and promote their cause.”

Dated 31 January 2013

Deputy Chief Executive/Corporate Director for Resources

A handwritten signature in black ink, appearing to read 'Carol Collins', with a horizontal line underneath.

**To: All Councillors of Nottingham City Council**

## MINUTES OF THE MEETING OF THE CITY COUNCIL

held at the Council House, Nottingham,

on Monday 28 January 2013 at 2.00 pm

### ATTENDANCES

| ✓ Councillor Unczur     | Lord Mayor              |
|-------------------------|-------------------------|
| ✓ Councillor Ali        | ✓ Councillor Longford   |
| ✓ Councillor Arnold     | ✓ Councillor McDonald   |
| ✓ Councillor Aslam      | ✓ Councillor Malcolm    |
| ✓ Councillor Ball       | Councillor McCulloch    |
| ✓ Councillor Bryan      | ✓ Councillor Mellen     |
| ✓ Councillor Campbell   | ✓ Councillor Molife     |
| ✓ Councillor Chapman    | ✓ Councillor Morley     |
| Councillor Choudhry     | ✓ Councillor Morris     |
| ✓ Councillor Clark      | ✓ Councillor Neal       |
| ✓ Councillor Collins    | ✓ Councillor Norris     |
| Councillor Culley       | ✓ Councillor Ottewell   |
| ✓ Councillor Dewinton   | ✓ Councillor Packer     |
| ✓ Councillor Edwards    | ✓ Councillor Parbutt    |
| ✓ Councillor Fox        | ✓ Councillor Parton     |
| ✓ Councillor Gibson     | ✓ Councillor Piper      |
| ✓ Councillor Grocock    | Councillor Saghir       |
| ✓ Councillor Hartshorne | ✓ Councillor Smith      |
| ✓ Councillor Healy      | Councillor Spencer      |
| ✓ Councillor Heaton     | ✓ Councillor Steel      |
| ✓ Councillor Ibrahim    | ✓ Councillor Trimble    |
| Councillor Jeffery      | Councillor Urquhart     |
| ✓ Councillor Jenkins    | ✓ Councillor Watson     |
| ✓ Councillor Johnson    | Councillor Wildgust     |
| ✓ Councillor Jones      | ✓ Councillor K Williams |
| Councillor Khan         | ✓ Councillor S Williams |
| ✓ Councillor Klein      | ✓ Councillor Wood       |
| ✓ Councillor Liversidge |                         |

## **68 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Choudhry, Culley, McCulloch, Saghir, Spencer, Urquhart (on other Council business) and Wildgust.

## **69 DECLARATIONS OF INTERESTS**

At the time of consideration, Councillor Edwards declared an interest in agenda item 8 – Council Tax Support Scheme, as a Council appointed member and Chair of Meadows Advice Group, which did not preclude him from speaking or voting.

At the time of consideration, Councillor Grocock declared an interest in agenda item 8 – Council Tax Support Scheme, as a member of Bestwood Advice Group, which did not preclude him from speaking or voting.

## **70 QUESTIONS AND PETITIONS FROM CITIZENS**

### **Questions from citizens**

The following citizen questions were received:

#### **Callisthenics parks**

The following question was asked by Mr Bartosz Jarecki to the Portfolio Holder for Leisure, Culture and Tourism:

Can we please install Callisthenics parks in various locations within the City to promote sports and active living? Idea of that came from Callisthenic workout which consists of exercise with body weight only. Sport is becoming very popular worldwide and it's also a very great way to spend free time and stay fit. These parks can really help people to develop a healthy lifestyle and combine fun with exercises. Also, it can be a good place to socialise with other people. This activity developed so fast throughout the time that we now have worldwide tournaments in this sport. Before attempting to write a question we had a look what other local outdoor gyms got to offer. Honestly they are not bad, but most of exercises aren't challenging enough, also it does not allow us to do certain exercises that are significant to develop strength and build muscles. Pull up bars are only made for normal pull ups, not for

advanced ones e.g. muscle ups, side to side, pull over and many more. The only good place to do is at outside John Carroll leisure centre but the issue is that bars are not the right width and a bit too short from length. Thank you.

Councillor Trimble replied as follows:

Thank you, Lord Mayor, and can I thank Mr Jarecki for his question.

I looked up Callisthenics in the Oxford Reference Dictionary, which describes callisthenics as an exercise to develop elegance in grace and movement.

I also looked at the video link which, on first impression, Callisthenics looks a very specialist and high energy exercise. On closer inspection, it can be low-tech and a very gentle form of exercise, using rhythmical movements to increase body strength and flexibility in bending, jumping, swinging, twisting, kicking, using only your own body weight for resistance.

Over the last 5 years this Council has secured external funding and has installed 18 outdoor gyms in our parks. We are about to install our 19<sup>th</sup> one at Bullwell Forest in time for the summer.

However, we do recognise that more advanced training can be achieved on a more specifically designed facility. This is an area that the Parks Team are keen to investigate and also to see if additional funding can be secured to develop such a facility as a possible future outdoor gym project. It would, though, have to be externally funded.

### **Squash courts**

The following question was asked by Mr Lee Hogg to the Portfolio Holder for Leisure, Culture and Tourism:

As £13.5 million pounds is being spent on improvements at the Harvey Hadden site, is it not possible to spend some of that on keeping a squash facility as the ones at beechdale baths will go when Harvey Hadden is completed. Squash is a great, competitive way to keep fit. There are no other squash courts run by the council in Nottingham. This is a sad situation. Not everyone wants to swim to keep fit or do zumba. A small number of courts could be used to encourage youngsters to take

up this high-energy sport which is growing in popularity and which Britain is actually good at. Thanks.

Councillor Trimble replied as follows:

Thank you, Lord Mayor, and can I thank Mr Hogg for his question.

It's good that even in these difficult economic times, that we have two public questions relating to sport and physical activity. It is, of course, true that the squash courts at Beechdale will close when Harvey is built.

Lord Mayor, whilst many councils up and down this country have been closing their leisure centres, we have had a very significant 10 year leisure centre transformation programme in our leisure centres. The investment this City is making in Harvey Hadden will encourage young people to take part in a wide range of activities which are currently being planned. As part of the process, we are in discussions with a wide range of national sporting governing bodies to see whether or not they can provide funding to make the offer at Harvey Hadden even better than originally planned.

We are working with Squash England to submit a bid to Sport England's Iconic Fund which, if successful, would see 3 new squash courts built as part of the redevelopment of Harvey Hadden. It would be an exciting addition to the scheme as they would not just be traditional courts, but would have the ability to move all of the walls right out to the end to make a larger sports room which can be used for other activities when squash is not booked, thereby increasing the opportunity even further for young people to get fit, get active and take part in sport. It does, though, depend on that bid with Squash England to Sport England to be successful in order to do that.

### **Council Tax Support Scheme**

The following questions were asked by Mr Mark Giblin to the Deputy Leader:

- (a) The City Council's proposed Council Tax Scheme means that people who are already finding they have no money just before their next wage or benefit payment will be unable to pay Council Tax and will end up in debt causing poverty and distress. Is the Council intending



to pursue debts when the cost of pursuing them is greater than the amount of the debt?

Councillor Chapman replied as follows:

First, let me correct the assumption in the question that the Scheme is somehow the City Council's Scheme, the Scheme has been thrust upon us by central government and we are against this Scheme. It is badly thought out, it is unfair, and it will cause serious problems which the Council will have to manage.

We have, however, as a Council to provide a version of the Scheme where we have tried to bring as much fairness into the measure as possible when dealing with an intrinsically unfair measure. Nevertheless, we will have to collect the money, and we will be pursuing non-collection, we have no option. Council Tax payers are and will continue to be provided with a range of payment dates that suit their needs, taking into account different times that they receive their household incomes. This includes weekly, fortnightly, monthly and over a 10 to 12 month period.

Although the Council will actively pursue any outstanding Council Tax amount, it does recognise that more people with small amounts of money to pay may fall into debt. It is inevitable. First, unlike many councils, we have not reduced our Benefit Advice Service; indeed, we are looking to put more resources in. We have also reviewed our position for recovery of small debts with a view to reducing the risk of high court costs for these debts, while ensuring it can take appropriate action to support payment at the earliest possible stage. We are training up volunteers and working with the advice sector to ensure maximum support in the circumstances. We are also supporting Credit Unions to put people in their direction, instead of moving into the direction of loan sharks, which is another high risk. So we are doing what we can, but we will have to collect the money.

(b) Why is it that this Council finds it hard to find the funding to cover these welfare cuts yet the Welsh government finds funding of £22 million to cover the shortfall in recipients benefits, this is over 3½ times what is touted as the shortfall in Nottingham.

Councillor Chapman replied as follows:

Well, the first answer is the Welsh government is a government and we are a council. Now, I could stop there, but it would be somewhat facetious.

The simple reason is the Welsh government has access to 56 times the settlement that Nottingham has. Its budget is £15.1 billion and, oh to have access to £15.1 billion. However, our net budget is £270 million, not billion, million. As a consequence, £22 million is only 0.15% of the Welsh budget. Nottingham, however, has found £3.2 million to offset the effect, which is 1.2% of our budget. So, in terms of budget size, we have made 8 times greater contribution than the Welsh government, and far more than similar councils, we are just not big enough to cover the whole amount. Moreover, £2.2 million of our contribution is ongoing and will continue, the £22 million from the Welsh government comes from reserves and there is doubt whether it will be able to continue to keep pumping reserves in year on year to cover the cost, so, at least there is some continuity in some of our funding.

(c) Will the new system for Council Tax and Housing Benefits be synchronised with the roll out of Universal Credit as and when the claimant is moved on to the benefit? Or will claimants have to be subjected to two bouts of changes in their welfare benefits?

Councillor Chapman replied as follows:

Well I wish I knew. It is unclear at this stage how or when Universal Credit will be implemented in Nottingham. The government intends Housing Benefit to be part of the Universal Credit system, which I believe is a mistake, administered by the Department for Works and Pensions (DWP). We will, where we are able to, work to ensure that any local schemes administered by the local authority, work in line with other government systems. We are, however, entirely dependent on what the DWP provide local authorities access to, and this is still, even at this stage, not clear.

Like many authorities, Nottingham does not understand why the government decided to pass responsibility for help with Council Tax to local authorities, rather than integrate it into Universal Credit.

As a consequence, local authorities have faced an unprecedented task in designing their own local Council Tax Support Schemes while facing a

significant reduction in central government funding and preparing for launch in April 2013.

There will be a wide range of Council Tax Support Schemes that differ across local authorities, which may well be confusing for citizens. These local schemes will sit alongside a number of other benefit changes happening at the same time which is likely to add to confusion and hardship for citizens. So, not only are they going to get hit unfairly, they're going to end up with a difficult system to manage which will make the situation even worse.

Choosing to not integrate Council Tax Support with Universal Credit may well undermine the overall policy intent of Universal Credit, especially in relation to simplification and improving incentives to work. And, in the longer term, separating the claims process for Council Tax Support and housing costs, which go to Universal Credit, may well cause further confusion for citizens. In other words, it is a mess. I personally do not think the system or the IT will be ready on time and I told the parliamentary Select Committee precisely that when I went down the other week.

### **Council Tax Support Scheme**

The following question was asked by Mr Geraint Thomas to the Deputy Leader:

The Council refer to their new Council Tax Support Scheme as "sustainable". Reducing the Council Tax Benefit of some of the poorest people in the City so that individuals and families will have even less money than the amount they need to live on will clearly lead to poverty, distress and hardship and will cause a greater demand on services that themselves face cuts to funding. Thinking about the long term effect on the people of Nottingham, this is not "sustainable". Why does the City Council not use some of the Council's non-earmarked allocated reserves of £9.6 million to avoid cutting the level of support for Council Tax Benefit recipients and use the forthcoming year to mobilise a campaign locally and nationally to demand a fully funded Council Tax Support Scheme?

Councillor Chapman replied as follows:

The simple answer is that we are, as a Council, using reserves to avoid cutting the level of support. We are also abolishing the discount on

empty homes. Were it not for our use of reserves and the government subsidy it attracts, those that are receiving 100% rebate today, would be facing a 20% reduction this year. As it is, the reduction will be between 8 and 9%. Were it not for our abolition of the empty property discount, all non pensioners on benefits would be paying around 35%, not 20%, Council Tax. So we have done what we can with a diminishing council budget. The income from the empty property rate will continue to be applied and we cannot guarantee the contribution from reserve, other than for one year. We have the elderly to look after; we have children to cater for, we are hoping, however, by then that the government will be pressured into back tracking when it sees the consequences of its actions.

In terms of lobbying activity, we have clearly stated our opposition locally and nationally to the government's decision to abolish Council Tax Benefit, and on 10 September this very Council carried a motion which deplored these measures. We have also lobbied MPs regularly. I have email and text exchanges with Liam Byrne, who is the Labour Shadow Minister, and hope that we have helped ensure the Labour Party's opposition to these cuts, and it was a principled opposition to the cuts, in Parliament this month, and I am very proud of the Labour Party for that. We are currently doing a round of public consultation on the budget and on benefits showing our opposition. Every member of the Executive is participating in that process and every time we are talking to people about how unfair the benefits system is. We have put out press releases, we have set up 3 slots of TV coverage, the Politics Show last week was a result of a suggestion we made. We have met Lord Freud and explained the problems he was creating. This has not resulted in a change of direction, unsurprisingly, but we did get a scrap from it in the form of expanded emergency funding, because I think it pricked his conscience, and I also think he came out a bit more frightened than when he came in and the consequences of what he was doing.

Finally, because of our response to the legislation, we were one of the few councils invited to give evidence to the Select Committee on Benefits, where we made our opposition very clear. Nor have we finished. We will continue to bring forward cases of injustice, and there will be many, and inefficiency, and there will be many. We will continue to lobby both within our Party, and the government, and we will continue to alert public opinion about the unfairness of the legislation. But, what we will not do is anything outside the law, or refuse to implement what would be an illegal act, quite simply because we recognise that were we to do

that it would be highly divisive and it would be counterproductive, and we would end up by handing the management of this Council over to the government, the very government that is keen to impose these cuts, as harshly as it possibly can.

### **Petitions from Councillors on behalf of citizens**

No petitions from citizens were received.

### **71 MINUTES**

**RESOLVED** that the minutes of the last meeting held on 10 December 2012, copies of which had been circulated, be confirmed and signed by the Lord Mayor.

### **72 OFFICIAL COMMUNICATIONS**

The Chief Executive reported the following communications:

#### **Contributions to transport**

Councillor Urquhart, Portfolio Holder for Planning and Transportation was named as one of ten people acknowledged for their contributions to transport during 2012. The top 10 list of influencers in transport were published in an article in the Transport Times Magazine, December issue.

#### **Councillor Derek Cresswell**

It is with regret that I inform Council that Councillor Derek Cresswell sadly passed away on 14 January.

He was elected to represent the Strelley Ward in May 2000 and was the Ward Councillor for Bilborough from 2003. He held the office of Sheriff twice between 2004 and 2006.

He became Chair of the Licensing Committee in 2003/4, a position he held for nine years, and was also Chair of the Regulatory and Appeals Committee for five years. He was also a Local Authority Governor for William Sharp Comprehensive.

He was born in Bulwell and educated at the John Player School in Bilborough before working as a shipping clerk in the lace trade and, following two years National Service, worked as a labourer and in the print and packaging industry.

Outside his council work, he was a keen Notts County FC supporter and found time to play for his local pub at dominoes and was Chairman of the Bulwell and District Domino League. He was married to Maureen and was father, grandfather and great grandfather to a large family.

His funeral was held this morning at St Margaret's Church in Aspley.

Councillors Wood and Morley paid tribute to Councillor Cresswell.

The Council stood in silent tribute to his memory.

## **73 QUESTIONS**

### **Tree felling in the Clifton Grove heritage park landscape**

Councillor Steel asked the following question of the Portfolio Holder for Leisure, Culture and Tourism:

Residents in Clifton North ward have come to me expressing concerns about the vast number of trees they have seen which have been allegedly marked for felling by the Nottinghamshire Wildlife Trust in the Clifton Grove heritage park landscape. While I understand that this is part of contracted-out work, could the Portfolio Holder reassure residents that no felling whatsoever will take place until a full consultation and communication exercise has taken place which explains the reasons for the work in detail, and does he agree with me that for the sake of residents' peace of mind, it would have been helpful to have held such an exercise before marking up the trees?

Councillor Trimble replied as follows:

Thank you, Lord Mayor.

I'm aware that this is Councillor Steel's first term of office, but he has been a Councillor for nearly two years now. As a local Councillor, if I was contacted by local residents expressing concerns about a project in the ward that I represent, I would not wait until Full Council to ask a question.

I would be straight on the phone to the organisation concerned to find out what was happening as fast as I could. Lord Mayor, it's called councillors casework, that's what local Councillors are meant to do. Full Council is not a forum for casework, Councillor Steel; you should do your own casework. If you're not happy with the response you get from Nottinghamshire Wildlife Trust, then you can come back to me and you won't even have to wait until Full Council in order to do that, but at least attempt to do your own casework first, it's pretty basic practice. The Nottingham Labour Party trains new Councillors on casework, perhaps the Nottingham Conservatives should think about doing the same.

Lord Mayor, in my experience, the Nottinghamshire Wildlife Trust are a very reasonable organisation. They are obviously very pro-wildlife and inhabitants, pro the environment, pro green and open spaces, and have been very supportive of me in my parks and open spaces agenda. The clue is in the name – Nottinghamshire Wildlife Trust.

When I saw Councillor Steel's question, I did exactly what Councillor Steel should have done, I phoned them. They have carried out some initial consultation, and they will be having further consultations on site. They will be having a drop-in session at the Cornerstone in Clifton, and I have here a copy of the agenda for the next Clifton and Wilford Area 8 Committee, it's on the agenda, the report is there too. He could've looked that up, he could've seen it himself, and he could've made some judgments. He hasn't done that. Lord Mayor, it looks an excellent scheme too, and if Councillor Steel doesn't want the £70,000 investment in his ward, I'll have it in mine.

### **Nottingham Castle**

Councillor Steel asked the following question of the Portfolio Holder for Leisure, Culture and Tourism:

I am sure the Portfolio Holder will have been as pleased as I was to hear that the recent meeting between the Secretary of State for Culture, Media and Sport, representatives of the Nottingham Castle working group and MP Graham Allen went well. Would the Portfolio Holder please update the Council on progress?

Councillor Trimble replied as follows:

Thank you, Lord Mayor, and can I thank Councillor Steel for his question too.

I too am reliably informed that the meeting between Graham Allen MP, Professor Ted Cante, and the Secretary of State went very well.

The decision from the stage one submission will not be known until late April, and we are awaiting an assessment visit by Heritage Lottery Fund trustees by February or March. We are building advocacy by briefing and seeking support from influential figures in business, the museums' world, and other interest groups. We continue to work with Net Phase 2 and the station hub and the plans for Broadmarsh shopping centre, in order to add value to the Castle scheme, giving it a 'wow' factor and a better opportunity to succeed.

Lord Mayor, as I said at full Council just last month, we have a great opportunity here to change Nottingham for the better, for at least the next 50, and possibly 100, years. We need to give it our best shot and it will take a lot of team work. I think we will be going full steam ahead with that to make Nottingham really much better for the future.

### **Tram crossings of particular risk**

Councillor Parton asked the following question of the Portfolio Holder for Planning and Transport:

In view of the tragic accident at a crossing near Bestwood Village in November, has the Portfolio Holder identified any other tram crossings of particular risk to pedestrians on the existing line or those under construction, and what can the Council do to make sure such accidents do not happen again in the future?

In the absence of Councillor Urquhart, Councillor Chapman replied as follows:

Thank you, Lord Mayor.

The tragic accident that occurred on the footpath crossing near Bestwood Village in November was a dreadful event and great sympathy goes out to the family and parents of Lindsey Inger. I cannot think of a worse thing to happen to anyone, than to lose a child. The accident, however, is the subject of a number of ongoing inquiries, including those



by the Coroner and the Accident Investigation Branch of the Health and Safety Executive, and hence the full details of the reasons for the accident are not yet known.

It is to be noted, however, that the crossing at which the accident occurred is not only a crossing of the tramway, but also of the heavy rail Robin Hood Line where incidents have previously occurred and, as such, is a unique crossing in the NET system. It is understood that Network Rail is reviewing the operation and layout of the crossing and both the Council and, in particular, the operator of the tram system, are fully engaged in this. Although it is considered that this crossing is a unique location, the tram operator and Network Rail will inevitably consider any findings arising from the investigation and inquest. So, in short, I think it's a bit premature for us to draw conclusions.

#### **74 DECISIONS TAKEN UNDER THE URGENCY PROCEDURE**

The report of the Leader, as set out on pages 278 to 280 of the agenda, was submitted and, in the absence of Councillor Collins, was proposed by Councillor Chapman.

**RESOLVED that, on the motion of Councillor Chapman, seconded by Councillor Clark, the urgent decision taken, as detailed in Appendix 1 to the report, be noted.**

#### **75 COUNCIL TAX SUPPORT SCHEME**

The report of the Deputy Leader, as set out on pages 281 to 295 of the agenda, and appendices which had been circulated separately, were submitted.

Contributions were made to the debate by:

- Martyn Neal from Advice Nottingham;
- Jean England, Chair of the Nottingham City Homes Tenants and Leaseholders Congress;
- Professor Cecile Wright, Chair of the Nottingham Equalities and Fairness Commission.

**RESOLVED that, on the motion of Councillor Chapman, seconded by Councillor Piper:**

- (1) the findings and outcomes from the Council Tax Support Scheme consultation carried out with residents and other stakeholders, as set out in paragraph 3.1 of report, and in Appendix 2, be noted;**
- (2) having had regard to its Public Sector Equality Duty, the findings on equalities and other impacts arising from the proposed Council Tax Support Scheme, detailed in Appendix 1 to the report, be noted;**
- (3) having had regard to the recommendation of the Executive Board on 18 December 2012, the proposed Council Tax Support Scheme for the City of Nottingham for 2013/14 be adopted, to take affect from 1 April 2013;**
- (4) having had regard to the recommendation of the Executive Board on 18 December 2012, the Chief Finance Officer be authorised to:**
  - (a) submit an application to the Department for Communities and Local Government, no later than 15 February 2013, for ‘transition grant funding’ of £775,000; and**
  - (b) agree any appropriate terms and conditions;**
- (5) the full allocation of the ‘transitional grant funding’ be used in the operation of the Council Tax Support Scheme for 2013/14.**

**76 ARBORETUM AND RADFORD AND PARK WARDS DESIGNATED PUBLIC PLACE ORDER**

The report of the Portfolio Holder for Area Working, Cleansing and Community Safety, as set out on pages 296 to 304 of the agenda, and appendices which had been circulated separately, were submitted.

**RESOLVED that, on the motion of Councillor Norris, seconded by Councillor Ali:**

- (1) the draft Order and map, detailed in Appendix 1 to the report, showing the area proposed to be covered by the Order, be noted;**

- (2) the notification and consultation processes required for making the Order, as per the procedural summary detailed in Appendix 2 and the timetable detailed in Appendix 3 to the report, be approved;
- (3) the publication of the draft Order for public consultation, as per the draft notice detailed in Appendix 4 to the report, be approved.

**77 APPOINTMENT OF THE INTERIM CORPORATE DIRECTOR FOR CHILDREN AND FAMILIES**

The report of the Chair of the Appointments and Conditions of Service Committee, as circulated in advance of the meeting, was submitted.

**RESOLVED that, on the motion of Councillor Neal, seconded by Councillor Campbell:**

- (1) the Appointments and Conditions of Service Committee recommendation be accepted and the post of Interim Corporate Director for Children and Families be offered to Candida Brudenell for a period of up to six months;
- (2) as Interim Corporate Director for Children and Families, Candida Brudenell fulfil the statutory roles of Director of Adult Services (“DASS”) and Director of Children’s Services (“DCS”).

**78 MOTION IN THE NAME OF COUNCILLOR BALL**

Moved by Councillor Ball, seconded by Councillor Healy:

“This Council welcomes the National Federation of ALMOs report ‘Let’s get building’ which makes the case for more council house building to create jobs and provide an economic boost to the country, as well as providing much needed new homes. It resolves to lobby Government to support the recommendations of this report, the main recommendations of which are:

- 1 to remove the HRA borrowing caps and to rely instead on prudential borrowing rules as a means of ensuring that investment is sustainable

- 2 to adopt internationally recognised rules to measure government borrowing which would treat new council housing investment in the same way as housing association investment and thereby greatly increase the opportunity for council new build.”

**RESOLVED that the motion be carried.**

The meeting concluded at 5.00 pm

## CITY COUNCIL - 11 FEBRUARY 2013

### REPORT OF THE DEPUTY LEADER

#### DETERMINATION OF COUNCIL TAX DISCOUNTS FOR EMPTY PROPERTIES AND THE PREMIUM ON LONG TERM EMPTY PROPERTIES

##### **1 SUMMARY**

- 1.1 This report seeks approval for the City Council to determine that no discount shall be provided to certain empty properties and for a 50% premium to be applied to long term empty properties.
- 1.2 Due to a change in legislation with effect from 1 April 2013, councils will have greater flexibility in deciding the level of Council Tax that will be payable on empty properties. By using these powers to maximise the level of tax on such properties, an estimated additional Council Tax revenue of £2.637m per annum could be generated; the City Council share being £2.251m.
- 1.3 In adopting these powers, it is proposed that the additional revenue support the Council in managing financial pressures, and in particular mitigate the financial cost to the council due to the introduction of the Council Tax Support Scheme.
- 1.4 This would also support the strategic aim of bringing empty properties, particularly those empty for two years or more, back into occupation. Vacant properties deny homes to those in desperate need and can also:
- become targets for vandals and fly tippers;
  - become fire risks;
  - be a magnet for crime, graffiti, drug abuse and anti-social behaviour;
  - blight streets and neighbourhoods; and
  - reduce the value of adjacent premises.
- 1.5 These proposals were considered by Executive Board on 22 January 2013.

## **2 RECOMMENDATIONS**

It is recommended that Council make the following determinations, pursuant to sections 11A and 11B of the Local Government Finance Act 1992, with effect from 1 April 2013:

1. for classes A, B, C and D dwellings as defined by The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 as amended by the Council Tax (Prescribed Classes of Dwellings)(England)(Amendment) Regulations 2012 the discount under section 11(2) (a) shall not apply;
2. The discount under section 11(2)(a) shall not apply and an additional premium of 50% (making a total 150% charge) shall apply to long term empty dwellings as defined in section 11B of the Act subject to the provisions of The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 as amended by the Council Tax (Prescribed Classes of Dwellings) (England)(Amendment) Regulations 2012.

## **3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 In view of the continuing financial pressures on the Council, which have been compounded by the impact of introduction of the Council Tax Support Scheme, it is considered appropriate to use these new powers to the full and maximise possible additional income. This will also support our objective to bring empty properties back into occupation.
- 3.2 There is no express requirement to consult on this policy change, and having considered all relevant issues it is considered there is also no implied obligation, to consult in relation to this issue.

## **4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 Legislation will allow councils to apply discounts ranging from 0% to 100%, as well as specifying the period for which the discount should apply. Granting any discount, even for a limited period, would reduce the potential revenue

## **5 BACKGROUND**

- 5.1 Empty Furnished Properties not being used as anyone's main residence (often referred to as 'second homes', but includes furnished lets between tenants) under the Council's current policy attract a 10% discount. Since 2004, councils have had discretion to set the discount on these within a range of 10% to 50%. These charges start on the first day that the property becomes empty and are payable by the owner, i.e. the freeholder or leaseholder for a lease granted for at least 6 months. There is no exemption period granted to these properties. Properties used as second homes and 'furnished lets' between tenancies fall into this category. The new legislation enables the Council to reduce this discount to zero.
- 5.2 Regulations have prescribed 2 classes of properties to cover this: A and B. Class A refers to furnished properties not used as anyone's main home that are restricted by a planning condition preventing occupancy for a continuous period of at least 28 days. This rarely applies in Nottingham. Class B is the same as class A but covers properties not subject to any planning restriction and furnished empty properties in Nottingham would fall into this category.
- 5.3 It is proposed that no discount shall apply to these classes of properties effective from 1<sup>st</sup> April 2013.
- 5.4 There are currently 23 classes of properties that are exempt from the Council Tax, including some that relate to empty properties and in particular the following two classes:
- Class A Exemption - applies to properties undergoing or requiring major repairs to render them habitable. This exemption currently lasts up to 12 months;
  - Class C Exemption is granted on properties that become empty and unfurnished and currently lasts up to 6 months, provided they do not fall into any other exemption class, such as properties left empty after a death or the owner going into care.
- 5.5 After the 6 month or 12 month period above the full tax becomes payable if the property remains empty.
- 5.6 Effective from 1<sup>st</sup> April 2013 the Class A and Class C exemptions will be removed and replaced with a locally defined discount ranging from 0 to 100%. Regulations have prescribed 2 classes of properties that mirror those in the current Exemption classes A and C. These

regulations refer to them as classes D and C respectively.

- 5.7 It is proposed that no discount shall apply to these classes of properties effective from 1<sup>st</sup> April 2013.
- 5.8 The legislation has introduced a new power to levy an additional premium of up to 50% on properties which have remained empty for two years or more, resulting in 150% charge being payable.
- 5.9 These provisions are contained in section 11B of the Local Government Finance Act 1992. Under these provisions the Council can determine that no discount shall apply and a further premium of up to 50% can be levied.
- 5.10 It is proposed that no discount applies and the maximum premium of 50% be levied.
- 5.11 It is estimated that approximately 14,000 taxpayers per year will be affected these proposals. Of these, some 9,000 will be new additional debts to be paid by taxpayers whose current liability is fully met by an exemption. The majority of these will be landlords and owners who have left their previous residence empty.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

- 6.1 The proposed changes to empty property discounts will generate an estimated additional £3.225m (gross) Council Tax to be collected, with a net increase in income of £2.637m. Table 1 (below) sets out the estimated financial implications of the proposals set out in the body of the report:

| <b>TABLE 1 – SUMMARY OF THE FINANCIAL IMPACT</b> |                                 |  |                                     |  |                                      |
|--|---------------------------------|--|-------------------------------------|--|--------------------------------------|
| <b>Change</b>                                    | <b>Taxpayers affected (No.)</b> | <b>Additional Council tax payable (£m)</b> | <b>Estimated income to NCC (£m)</b> | <b>Estimated income to Police (£m)</b> | <b>Estimated income to Fire (£m)</b> |
| Removing 10% discount on empty                   | 1,172                           | 0.107                                      | 0.091                               | 0.011                                  | 0.005                                |



|   |        |              |              |              |              |
|---|--------|--------------|--------------|--------------|--------------|
| furnished properties                              |        |              |              |              |              |
| Full Charge on Class A Exemptions                 | 368    | 0.098        | 0.084        | 0.010        | 0.004        |
| Full Charge on Class C Exemptions                 | 12,048 | 2.829        | 2.416        | 0.291        | 0.122        |
| Long Term Empty Levy                              | 409    | 0.191        | 0.163        | 0.020        | 0.008        |
| Gross Additional Tax Collectable                  |        | 3.225        | 2.754        | 0.333        | 0.138        |
| Increased cost of collection / loss on collection |        | -0.588       | -0.503       | -0.061       | -0.024       |
| <b>Net Gain to Collection Fund</b>                |        | <b>2.637</b> | <b>2.251</b> | <b>0.272</b> | <b>0.114</b> |

- 6.2 The calculation includes an additional £104,000 increase in the cost of collection as the scheme will increase the level of monitoring, collection and enforcement activity, especially in the initial period. The additional income raised from this proposal will be used to contribute towards financial pressures identified in the Medium Term Financial Plan (MTFP), in particular the cost of the introduction of a local Council Tax Support Scheme (CTSS) to be implemented with effect from 1 April 2013. The benefit to the precepting authorities will help mitigate the negative financial impact that the introduction of the CTSS will have on all precepting authorities.
- 6.3 The introduction of this proposal will cost the Housing Revenue Account (HRA) an estimated £500,000 in 2013/14 due to the introduction of the charge that will make landlords liable for Council Tax for the period between tenancies (currently only liable after the first 6 months).

## **7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS)**

- 7.1 Most of the legal issues surrounding the proposals are contained within the main body of the report, which considers the new provisions relating to Council Tax exemptions and discounts, introduced by the Local Government Finance Act 2012 on 31 October 2012. The 2012 Act amends the relevant provisions of the Local Government Finance Act 1992. Any determinations under those provisions must be made by the Council before 1 April 2013 for the financial year 2013/14.
- 7.2 Detailed provisions are contained in The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 as amended by the Council Tax (Prescribed Classes of Dwellings)(England)(Amendment) Regulations 2012 and within sections 11A and 11B of the Local Government Finance Act 1992 as inserted by the Local Government Finance Act 2012
- 7.3 In making decisions, councils must have due regard to their general duties under the Equality Act 2010 towards people with particular protected characteristics (age, disability, gender reassignment, marriage and partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and the duty to mitigate child poverty under the Child Poverty Act 2010. In relation to the former, there is a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity for groups protected by the legislation. Due regard comprises two linked elements: proportionality and relevance. The weight which public authorities must give should therefore be proportionate to its relevance to a particular function. The Equality Impact Assessment should assist in identifying issues which need to be taken into account before any decisions are made.

## **8 EQUALITY IMPACT ASSESSMENT (EIA)**

- 8.1 The EIA is attached

## **9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

- 9.1 None.

**10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- 10.1 Executive Board report 'Determination of Council Tax Discounts for Empty Properties and the Premium on Long Term Empty Properties' and minutes dated 22 January 2013.

**COUNCILLOR GRAHAM CHAPMAN  
DEPUTY LEADER**

Equality Impact Assessment Form

**Name and brief description of proposal / policy / service being assessed**

Provisions contained within the Local Government Finance Act 2012 have allowed discretion to Councils to determine what level of discount, if any, should be granted against the Council Tax due on empty properties and apply an additional charge on long term empty properties i.e. those empty for 2 years or more.

The proposed discount levels being considered by this Council will result in an increase in the Council Tax due on empty properties. This will be payable from the owners of these properties.

**Information used to analyse the effects on equality**

Desktop analysis and consideration of the Equality Impact Assessment on the Council Tax Collection Strategy of March 2012.

|   | Could particularly benefit (X) | May adversely impact (X)            | How different groups could be affected: Summary of impacts  | Details of actions to reduce negative or increase positive impact (or why action not possible) |
|---|--------------------------------|-------------------------------------|---|--|
| People from different ethnic groups   | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | Equality data in relation to Council Tax is very limited and this means it is not possible to measure whether different demographic groups may be over-represented within the persons affected by these proposed changes..  |  |
| Men, women (including maternity/pregnancy impact), transgender people   | <input type="checkbox"/>       | <input type="checkbox"/>            | These changes will impact on property owners, many of which reside outside of Nottingham. Many of these will be landlords in the business of letting properties or property speculators.  |  |
| Disabled people or carers   | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | There is no information to lead us to believe that this will have a disproportionate impact on any minority group. We intend to notify Citizens who we believe will be affected by these changes before they come into place enabling them to contact us to discuss what it will mean for them. |  |
| People from different faith groups  | <input type="checkbox"/>       | <input type="checkbox"/>            |   |  |
| Lesbian, gay or bisexual people   | <input type="checkbox"/>       | <input type="checkbox"/>            |   |  |
| Older or younger people   | <input type="checkbox"/>       | <input type="checkbox"/>            |   |  |
| Other (e.g. marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults) | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | These people will be subject to billing of the Council Tax and, in the event of non payment, subject to recovery action. As such the findings from the EIA on Council Tax Collection Strategy are relevant here.  |  |

Equality Impact Assessment Form

|  |  |  |   |  |
|--|--|--|---|--|
|  |  |  | <p>In common with the general population of Council Tax payers those impacted by this change may not have English as their first language or have difficulty reading or may be considered as 'vulnerable'. In summary the following steps are built in to our process to deal with this. –</p> <ul style="list-style-type: none"> <li>• Documents and letters are provided in Plain English wherever possible.</li> <li>• A translation service can be provided</li> <li>• Disabled access &amp; hearing loop available at the contact centre</li> <li>• Later stages of recovery are adjusted individually according to the size of the debt and the debtors financial circumstances.</li> <li>• Some recovery actions would not be taken if the debtor has been identified as vulnerable or suffers from severe mental illness</li> <li>• The Council has a significant welfare rights programme with services commissioned based on a detailed needs assessment</li> </ul> |  |
|--|--|--|---|--|

**Outcome(s) of equality impact assessment:**

No major change needed  Adjust the policy/proposal  Adverse impact but continue  Stop and remove the policy/proposal

**Arrangements for future monitoring of equality impact of this proposal / policy / service:**

This assessment will be reviewed if any subsequent information indicates other impacts

Approved by (manager signature): Bev Osborne; bev.osborne@nottinghamcity.gov.uk, Date sent to equality team for publishing: Send document or link

Equality Impact Assessment Form

0115 87 64066

to [equalityanddiversityteam@nottinghamcity.gov.uk](mailto:equalityanddiversityteam@nottinghamcity.gov.uk)

## **CITY COUNCIL - 11 FEBRUARY 2013**

### **REPORT OF THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORTATION**

#### **NOTTINGHAM CITY ALIGNED CORE STRATEGY, SUBMISSION TO THE SECRETARY OF STATE**

## **1 SUMMARY**

- 1.1 The draft Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies set a strategic planning framework for Nottingham City to 2028, including the broad scale and location of housing and economic growth over that period, together with supporting infrastructure and how environmental matters will be considered. The draft Core Strategy, Schedule of Changes and related documentation are available from Constitutional Services and at [www.nottinghamcity.gov.uk/corestrategysubmission](http://www.nottinghamcity.gov.uk/corestrategysubmission).
- 1.2 The draft Core Strategy has been prepared in partnership with Broxtowe and Gedling Borough Councils, and sets out a coherent and consistent strategic planning framework across the three local authority areas. Although Erewash and Rushcliffe Borough Councils (which are also part of the Housing Market Area) have decided to prepare separate Core Strategies, there has been continuing close working between all authorities, albeit the Rushcliffe Core Strategy has a different methodology to determine housing provision.
- 1.3 Core Strategies are part of the statutory Development Plan that all local planning authorities must prepare by law. Following several stages of formal and informal consultation, it is now proposed to submit the draft Core Strategy to the Secretary of State for independent examination. Submission is a decision for the City Council.

## **2 RECOMMENDATIONS**

It is recommended that Council:

- 2.1 Approve the submission of the draft Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies, along with the Schedule of Changes, and accompanying submission documents (as set out at paragraph 5.7), to the Secretary of State for

independent examination.

- 2.2 Request the Inspector to recommend any modifications which are necessary to make the draft Core Strategy sound, under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.3 Grant delegated authority to the Corporate Director for Development to approve any necessary amendments to the submission draft Core Strategy of the types outlined in paragraph 5.5 of the report.

### **3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 Production of a Local Plan, of which the Core Strategy is part, is a statutory requirement. If no Local Plan is in place, the government's default presumption in favour of sustainable development will apply to relevant planning applications.

### **4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 There are no alternative options, production of a Local Plan, of which the Core Strategy is part, is a statutory requirement.

### **5 BACKGROUND**

- 5.1 Planning legislation requires the City Council to produce a Local Plan. The draft Core Strategy is part of the Local Plan and provides the strategic vision for development across Nottingham City and the two partner local authority areas until 2028. Prior to its adoption, the document must go through a number of formal and informal consultation stages, and be submitted to the Secretary of State for independent examination. Submission follows extensive informal consultation on the Issues and Options (2009), the Option for Consultation (2010), the Housing Provision Position Paper and Policy 1: Climate Change (2011) and formal consultation on the Publication Version (2012) as authorised by Executive Board on 21 February 2012.
- 5.2 The Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies - Publication Version was published in June 2012, to allow formal representations to be made. A total of 557



representations were received from 215 different organisations and individuals, including statutory bodies, neighbouring county, district and parish councils, the development industry, utility companies, interest groups and members of the public. The report of Consultation on the draft Core Strategy – Publication Version is available from Constitutional Services and at:

[www.nottinghamcity.gov.uk/corestrategysubmission](http://www.nottinghamcity.gov.uk/corestrategysubmission)

Appendix 1, which has been circulated separately, provides a brief summary.

- 5.3 Some changes are proposed to the draft Core Strategy in order to address some of the representations, to bring the draft Core Strategy more closely into line with the National Planning Policy Framework (NPPF), and to make factual updates and increase clarity. These are included in the Schedule of Proposed Changes. Apart from the introduction of a policy on the presumption in favour of sustainable development (which the Inspectorate are requesting for all Core Strategies) the changes are considered to be relatively minor, and do not alter the strategy or broad policy approach of the draft Core Strategy. As such it is not envisaged that the changes require consultation prior to submission, but instead will be consulted on with any further changes the Inspector recommends during the course of the independent examination. A brief summary of the proposed changes is included in Appendix 1.
- 5.4 The draft Core Strategy is a strategic spatial planning document covering the period from 2011 to 2028, which will rely on the Nottingham City Land and Planning Policies Development Plan Document (DPD), which is currently in preparation, for its detailed implementation. It contains a shared 'Vision' setting out what the plan area will look like once the Core Strategy has been delivered, together with Spatial Objectives which indicate how the vision will be implemented. The detailed policies in the draft Core Strategy then set out a Delivery Strategy to achieve the vision.
- 5.5 The draft Core Strategy covers the areas of Nottingham City, Broxtowe Borough and Gedling Borough Councils, but formal approval of the City Council is only required for matters relating to the Nottingham City Council area. Gedling Borough Council will be considering the draft Core Strategy at its February meeting. However, due to the recent announcement that a station to serve High Speed Rail 2 is to be located at Toton Sidings within the Borough, Broxtowe Borough will be undertaking a short focussed

consultation to ensure the draft Core Strategy adequately reflects the implications for their area. They will therefore not be in a position to approve the draft Core Strategy until this process has concluded. As a result, parts of the plan relating to Broxtowe Borough may be subject to change, and there may also be a need to make further minor editing changes to ensure consistency and accuracy. Should one or more of the partner councils fail to agree their part of the draft Core Strategy, consideration of how to proceed will be required, which may necessitate redrafting the plan, possibly by preparing a document to cover Nottingham City matters only. During the course of the independent examination, it is also likely that the Inspector will recommend further changes he/she considers are necessary to make the Core Strategy sound. It is recommended that approval to make any necessary changes be delegated to the Corporate Director for Development.

5.6 Subject to approval by all the partner councils, the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy – Publication Version 2012 will be submitted to the Secretary of State, along with:

- Broxtowe Borough, Gedling Borough and Nottingham City - Schedule of Proposed Changes to the Aligned Core Strategies Publication Version, February 2013;
- Nottingham City Aligned Core Strategy Development Plan Document Statement Of Consultation (Regulation 19), June 2012;
- Nottingham City Statement of Consultation for the Aligned Core Strategy (Regulation 22), Part 1, February 2013;
- Broxtowe Borough, Gedling Borough and Nottingham City Statement of Consultation for the Aligned Core Strategies Publication Version (Regulations 22) Part 2, February 2013;
- Broxtowe Borough Council, Erewash Borough Council Gedling Borough Council Nottingham City Council Sustainability Appraisal Publication Version, June 2012; Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council, Sustainability Appraisal Appendices, Publication Version, June 2012;
- Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council Sustainability Appraisal Publication Version (Non Technical Summary), June 2012;
- Broxtowe Borough, Gedling Borough and Nottingham City

Sustainability Appraisal Report of the Aligned Core Strategies Publication Version Addendum, February 2013;

- Greater Nottingham Aligned Core Strategies Equality Impact Assessment Phase 1 Report, April 2011;
- Broxtowe Borough, Erewash Borough, Gedling Borough and Nottingham City Aligned Core Strategies Equality Impact Assessment Phase 2 Report, June 2012;
- Broxtowe Borough, Gedling Borough and Nottingham City;
- Equality Impact Assessment Phase 3: Report of the Proposed Changes to the Aligned Core Strategies Publication Version Report, February 2013;
- copies of all representations made on the Core Strategy – Publication Version;
- other relevant evidence, including a Habitats Regulation Assessment screening, Strategic Flood Risk Assessment, statements and background papers.

5.7 If approved by the City Council, formal submission of the draft Core Strategy is anticipated in May 2013 and will be the start of the independent examination process and an independent Planning Inspector will be appointed to consider the representations that have been made and to test its overall soundness and legal compliance. At this time, the Councils will notify the Inspector that they wish to request modifications under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended), to allow the Inspector to recommend any changes to the draft Core Strategy to make it sound, rather than simply test whether it is sound or not. Part of this process will involve a Public Examination where the Inspector will hold round-table hearing sessions to discuss specific issues. He/she may invite further supporting evidence from the Councils and respondents as necessary. Participation in the hearing sessions will be at the discretion of the Inspector. The hearing sessions are currently expected to commence in September 2013.

5.8 Prior to the hearing stage, the Inspector is likely to hold a pre-hearing meeting with all interested parties. This is normally used to explain the arrangements for the hearing sessions. However, if at this stage the Inspector considers that there are likely to be any insurmountable issues of soundness or legal compliance, he/she may advise the Council not to proceed but to withdraw the draft Core Strategy and re-submit it at a later stage following any necessary re-drafting and consultation. In order to minimise the risk, all reasonable steps have been taken to ensure that the draft Core Strategy is sound prior to

submission, including carrying out a self-assessment of soundness and participating in an advisory visit from the Planning Inspectorate. Following the independent examination, the Inspector will publish a report which will set out whether or not the draft Core Strategy is sound. Where it is not considered to be sound the Inspector will suggest any further changes, agreed at the independent examination, which should be made to make it so. These will subsequently need to be approved by the Council before the Core Strategy can be adopted formally.

5.9 It is anticipated that if the Core Strategy is found sound, the Councils will adopt it in winter 2013/14.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

6.1 There are no direct financial implications from the report as the costs of this activity will be met from existing resources earmarked for this purpose.

## **7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS)**

7.1 As indicated in the main body of the report, the Council is under a statutory duty to produce a Local Plan of which the Core Strategy is part. Requirements relating to the production and adoption of Local Plan documents are prescribed by Regulations and both the proposed Core Strategy and documents listed in paragraph 5.6 are required to be submitted for independent examination. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and the Council's constitution approval for submission to the Secretary of State can only be given by full Council.

7.2 There is a risk that the independent examination could conclude the draft Core Strategy is unsound. This would result in further work to the evidence base, redrafting the Core Strategy, and republishing for representations, before a further independent examination could be convened.

## **8 EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 Has the equality impact been assessed?

Yes – the EIA is detailed in Appendix 2 which has been circulated separately.

**9**      **LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

9.1      None.

**10**      **PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

10.1      Greater Nottingham Aligned Core Strategies, Issues and Options, 2009.

10.2      Greater Nottingham Aligned Core Strategies, Option for Consultation, 2010.

10.3      Greater Nottingham Aligned Core Strategies Housing Provision Position Paper and Draft Policy 1 Climate Change Report, January 2012.

10.4      Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategy, Publication Version, June 2012.

10.5      Broxtowe Borough, Gedling Borough and Nottingham City - Schedule of Proposed Changes to the Aligned Core Strategies Publication Version, February 2013.

10.6      Nottingham City Aligned Core Strategy Development Plan Document Statement Of Consultation (Regulation 19), June 2012.

10.7      Nottingham City Statement of Consultation for the Aligned Core Strategy (Regulation 22) Part 1, February 2013.

10.8      Broxtowe Borough, Gedling Borough and Nottingham City Statement of Consultation for the Aligned Core Strategies Publication Version (Regulations 22) Part 2, February 2013.

10.9      Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council Sustainability Appraisal Publication Version, June 2012.

- 10.10 Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council, Sustainability Appraisal Appendices, Publication Version, June 2012.
- 10.11 Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council Sustainability Appraisal Publication Version (Non Technical Summary), June 2012.
- 10.12 Broxtowe Borough, Gedling Borough and Nottingham City Sustainability Appraisal Report of the Aligned Core Strategies Publication Version Addendum, February 2013.
- 10.13 Greater Nottingham Aligned Core Strategies Equality Impact Assessment Phase 1 Report, April 2011.
- 10.14 Broxtowe Borough, Erewash Borough, Gedling Borough and Nottingham City Aligned Core Strategies Equality Impact Assessment Phase 2 Report, June 2012.
- 10.15 Broxtowe Borough, Gedling Borough and Nottingham City Equality Impact Assessment Phase 3: Report of the Proposed Changes to the Aligned Core Strategies Publication Version Report, February 2013.

**COUNCILLOR JANE URQUHART**  
**PORTFOLIO HOLDER FOR PLANNING AND TRANSPORTATION**