



## Environment Overview and Scrutiny Committee

<b>Date:</b>	<b>Wednesday, 30 January 2019</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

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### AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP**

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members are reminded that they should also declare whether they are subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

**2. MINUTES (Pages 1 - 10)**

To approve the accuracy of the minutes of the meeting held on 29 November 2018.

**3. LOCAL PLAN PROGRESS UPDATE (Pages 11 - 22)**

**4. OVERVIEW OF ENVIRONMENTAL ENFORCEMENT CONTRACT**

To receive a verbal presentation.

**5. BUDGET PROPOSALS**

Report to follow

**6. ENVIRONMENT O&S COMMITTEE WORK PROGRAMME (Pages 23 - 30)**

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## ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 29 November 2018

Present:

Councillor T Jones (Chair)

Councillors	S Foulkes	S Jones
	J Bird	B Kenny
	A Brame	C Muspratt
	K Cannon	T Smith
	T Cottier	A Sykes
	T Cox	A Hodson
	G Ellis	

Deputy:

Councillor C Blakeley (deputising for B Berry)

### 24 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members were reminded that they should also declare whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor Steve Foulkes declared a personal interest in agenda items 6 'Climate Change Annual Report and Action Plan' and 8 '2018/19 Quarter 2 Wirral Plan Performance' by virtue of him being a Board Member of Magenta Living.

Councillor Andrew Hodson declared a prejudicial interest in agenda item 4 'Kingdom Performance Update' by virtue of his business interests.

### 25 MINUTES

Members were requested to receive the minutes of the Environment Overview and Scrutiny Committee meeting held on 20 September, 2018.

Councillor Anita Leech, in attendance as Cabinet Member for Environment, and with the permission of the Chair, asked for an amendment to the minutes in respect of her declaration of interest which should read, '...by virtue of her being a Board Member of Prima' and not of 'Magenta Living'.

**Resolved – That, subject to the suggested amendment of Councillor Leech, the minutes of the meeting held on 20 September, 2018, be approved.**

26 **ORDER OF BUSINESS**

The Chair agreed to vary the order of business to enable Councillor Chris Carubia to present his Scrutiny Review on Modern Slavery.

27 **MODERN SLAVERY - SCRUTINY REPORT**

The Chair invited Councillor Chris Carubia to introduce a report which set out the findings and recommendations arising from the Modern Slavery Scrutiny Review.

The Review Panel, which consisted of Councillors Chris Carubia, Christina Muspratt and Tom Usher, was chaired by Councillor Carubia.

The review was conducted over a number of meetings held with relevant Council officers, attendance at Modern Slavery conferences and a review of briefing papers, documents and publications from other local authorities and public bodies. The Review Panel's objectives in doing this work were to understand the implications of the Modern Slavery Act for Wirral Council and its partners and to present a series of recommendations designed to shape or influence Council policy on modern slavery.

The report provided a number of recommendations which the Review Panel believed would assist the Council in tackling Modern Slavery in Wirral.

Councillor Carubia thanked those Members and officers who had participated in the review and the Chair echoed these comments.

Members welcomed the Review and its recommendations and the need to maintain contacts with organisations who might be in contact with people who may be vulnerable to the issues around modern slavery. A member suggested that the review should be ongoing with a formal report brought back to the Committee in 12 months' time.

Another Member expressed support for the Review and the need for ongoing monitoring to continue to shine a light on the evil practices of modern slavery as there was probably an awful lot going on beneath the surface of which the Council was unaware.

There was also a need to look at training for Councillors on this issue and the Chair suggested that in addition to the recommendations, the Committee

should keep the item on its work programme to ensure regular monitoring of the impacts of the Modern Slavery Strategy and the action plan.

On the motion by the Chair, seconded by Councillor Allan Brame, it was –

**Resolved –**

**(1) That the Committee support the contents and recommendations of the Scrutiny Report, 'Modern Slavery.**

**(2) That the report be referred to the next appropriate Cabinet meeting.**

**(3) That the item be kept on the work programme to ensure regular monitoring.**

## 28 **FINANCIAL MONITORING REPORT QUARTER 2 2018/19**

Peter Molyneux, Senior Manager Corporate Finance, introduced the report of the Director of Finance and Investment which set out the Council's revenue and capital monitoring position for 2018/19 Quarter 2. The report gave details of key issues within the environment theme, progress on the implementation of savings and income and debt. There was a current projected overspend of £900,000, the Environment element of this was £0.5m. This was an improvement for the Environment theme of £0.2m on Quarter 1. Delivery Services and Economic and Housing Growth forecast overspends made up the majority of this. The Quarter 2 capital report had recommended that Cabinet agreed the 2018/19 Capital Programme of £60.9 million which took account of re-profiling identified during 2018/19. Expenditure to date was £16.3 million.

With regard to the Capital Programme a Member queried why there was no funding available for Woodchurch Leisure Centre.

The Chair suggested the need for written responses to be provided on questions posed by Members.

Responding to comments from Members, Peter Molyneux stated with regard to the Capital Programme, senior managers would decide in each service area what their funding priorities were and these would then be assessed and put before the Cabinet for their agreement before ultimately going to the Budget Council for approval.

The Chair and Members suggested that the Overview and Scrutiny Committee should have sight of the criteria used in assessing capital programme bids. This could potentially be a piece of work for the Committee as to how the capital programme was developed.

In response to further comments Peter Molyneux elaborated on the £250,000 expenditure at the Williamson Art Gallery which included installation of roof blinds, spotlighting and some changes to the heating control systems.

Mark Smith, Interim Director for Highways and Streetscene, responding to comments on proposed savings relating to waste informed the meeting that after detailed negotiations with BIFFA potential efficiency savings could not be realised.

In respect of proposed savings at Woodchurch Leisure Centre, Andrew Elkington, Assistant Director of Community Services, stated that the proposal to bring in much more flexible hours of working had not been realised and the new Cabinet Member for Leisure and Recreation had asked for a review of the proposals with officers instructed to find alternative ways of finding the savings.

Peter Molyneux agreed to provide written responses in respect of a number of questions, including:

- A breakdown of the £180,000 for the West Kirby Concourse / Guinea Gap Upgrade works.
- The terms of the clawback condition on grants to properties made to bring poor condition housing stock back into use
- How the council would manage the situation of PFI land transferred to Leasowe Leisure Centre when the PFI Trust was still in place.
- The fund of £60,000 to restore empty homes and whether these were grants to bring empty properties back into occupation and the rationale for distributing these monies.

Mark Smith responded to comments on the £200,000 saving which had not been achieved, out of a savings target of £300,000, in respect of garden waste. This was for an additional £200,000 from increasing the take up of subscribers to the garden waste scheme. There was a whole communications / marketing plan around this to try and encourage new subscribers and also targeting people who had previously subscribed but who had since not renewed their subscription.

A Member commented upon this and expressed the view that it appeared that a lot of money was being spent on a campaign trying to chase subscribers and failing, including paying the Wirral Globe to place adverts when the Council had its own publication, Wirral View, which the Council had been told went to every household in the Borough.

Mark Smith agreed that he would circulate a written response to all Members of the Committee to provide more detail around communications / marketing plan that was put in place for the garden waste collection. He commented that the door-to-door survey being undertaken by the Communications / Marketing

team was a targeted focussed survey on residents who had previously subscribed to the scheme.

In response to a question on £110,000 for the Hoylake Golf Depot, Peter Molyneux also agreed to provide further information on this.

A Member commented that Committee members would have an opportunity at the forthcoming budget proposals workshop to bring forward ideas as to how savings could be made.

**Resolved – That the report be noted.**

## 29 KINGDOM - PERFORMANCE UPDATE

Prior to discussion on this item, Councillor Andrew Hodson, having declared a prejudicial interest, left the meeting whilst the item was under discussion (see minute 24 ante).

Mark Smith Interim Director for Highways and Streetscene, addressed the Committee and referred to two briefing notes which had been circulated to the Committee. One highlighted Kingdom's involvement in two partnership action days and the second the number of fixed penalty notices (FPNs) issued in the first quarter of operation for 2018/19. There had been 1393 FPNs issued between 1 August and 31 October, 2018. Of 113 appeals, one had been successful with the FPN being subsequently rescinded.

Responding to comments from Members, Mark Smith acknowledged that the numbers were low with regard to FPNs for dog fouling but this was a more difficult enforcement activity and suggested that this could be discussed at January's meeting with Michael Fisher, the Managing Director of Kingdom, who would be in attendance at the January meeting. He would also provide a breakdown for the next meeting of the numbers who had paid just before their cases got to court. Additionally, he would provide further information to the January meeting on the proportions of the payments which went to Kingdom and those to the Council from the FPNs, including £78,000 collected in the first quarter, and also on whether Kingdom staff were paid an hourly rate or per performance.

Ken Abraham, Senior Solicitor, confirmed that the court costs did increase if the case went to trial and it was at the discretion of the court whether full or partial costs were awarded.

Mark Smith further informed the meeting that in advance of the Council awarding the second contract the Council had been very happy with their performance and the matter had also been considered at a call-in meeting of the Committee in July. The company had over 30 contracts across the UK, including one with the largest Council, Birmingham City which was now in its

tenth year with Kingdom and were operating well. Environmental enforcement was an essential part of the overall approach to achieving a good quality environment and behaviour change. With regard to staff conduct at Kingdom he did know that they had a very rigorous approach and addressed any issues in a very robust manner.

Responding to further comments, Mark Smith stated that the scope of the contract had been broadened and it did also include smoke free legislation, littering from vehicles and trade waste legislation.

At the invitation of the Chair, the Cabinet Member for Environment, Councillor Anita Leech, addressed the Committee and stated that she was happy to listen to what the Committee had to say and to understand any concerns the Committee might have.

A Member referred to the need to introduce behavioural change to have a cleaner better environment which would ultimately mean less Council resources being spent on street cleaning. He also suggested the idea of introducing graduated fines dependent on the type of litter, such as dog fouling being amongst the worst to a tissue being dropped, the least worst and the possible use of the 'luminous eyes' Tidy Britain campaign poster.

**Resolved – That the report be noted.**

## 30 LEISURE AND CULTURAL SERVICES REVIEW - UPDATE

Andrew Elkington, Assistant Director for Community Services introduced a report which provided the Committee with an overview of the progress of the Leisure and Cultural Services Review. The report also informed Members of the action the Council had and would take in order to conclude the review and secure the future delivery of Leisure and Cultural Services.

Bates Wells Braithwaite (BWB) were appointed to review and consider future options for the delivery of Leisure, Libraries and Cultural Services.

Options for each service were being developed and would be brought forward for consideration. The service areas being considered were:

- Floral Pavilion
- Golf Courses
- Libraries Service
- Leisure Services
- Parks Services
- Culture (Williamson Art Gallery & Museum and The Priory)

A series of scrutiny workshops were planned for December 2018 and January 2019 to review budget proposals and the first set of proposals from this review

would be included for consideration. The Committee would also have the opportunity to consider proposals on other elements of the review prior to any decisions being made.

The BWB Report would be published once options for service areas started to be presented for consideration. The report did contain commercially sensitive information and would therefore be appropriately redacted to enable this to occur. A report had been taken to the Cabinet earlier that week with options for Council run golf courses and the Floral Pavilion.

In response to Members' questions Andrew Elkington stated that different models had been evaluated for different service areas and the options were not exclusively about taking services outside or getting a contractor to run a service as, in-house options could also be suitable. With regard to the cost of the BWB report he did not have the figures to hand and he would have to circulate this information separately.

A number of Members asked with regard to the report on the Golf Courses and why it was that only two of the Council golf courses had been included and not Brackenwood. In response, Andrew Elkington stated that Brackenwood Golf Course formed part of the Green Spaces review, so until a decision had been taken on that no proposals were being made for this particular golf course and he could not respond further to questions on this.

A Member expressed the view that he remained unconvinced as to the motives for not including Brackenwood Golf Course in the report taken to Cabinet earlier that week.

**Resolved – That the report be noted.**

## 31 **CLIMATE CHANGE ANNUAL REPORT AND ACTION PLAN**

Bryan Lipscombe, Sustainability Liaison Officer, introduced a report which presented an annual update on climate change action in Wirral. It included a brief overview of:

- The latest international and national developments pertinent to action on climate change;
- The activities of the Cool Wirral Partnership (formerly Wirral Climate Change Group);
- The latest 'Cool Steps' report, produced by the Cool Wirral Partnership, detailing recent progress with the climate change strategy up to the end of July 2018;
- The priority action plan developed by the Cool Wirral Partnership to help progress implementation of the strategy in its final year; and
- Plans to develop a new framework to replace the present strategy.

Responding to comments from Members, Bryan Lipscombe reported that with regard to planning issues to build houses to a higher ecological standard, demanding more than the current regulations, the Council would have to demonstrate the viability of the market to sustain this. There had not been a detailed consideration of how Brexit might affect the Strategy as the Council's aim was to deliver on its current climate change strategy and Action Plan.

In respect of the Cool Wirral Partnership, and engagement with partners he reported that Merseytravel was previously represented on the climate change group but they had not been sending representatives recently, although they did still receive invitations.

Members expressed their disappointment at this and suggested that the Partnership should try and re-engage with the Merseytravel Committee of the Liverpool City Region. Another Member suggested that the Bus Alliance could be approached also.

**Resolved –**

- (1) That the work of the Cool Wirral Partnership and the progress outlined in the report to implement the Climate Change Strategy, be noted.**
- (2) That it be recommended to the Cabinet Member that the 'Cool Steps' annual progress report, appendix 1 to the report and the Priority Action Plan, appendix 2 to the report, be formally endorsed and used to meet the Council's Climate Local commitment.**

32 **2018/19 QUARTER 2 WIRRAL PLAN PERFORMANCE**

Mark Smith, Interim Director for Highways and Streetscene, introduced a report which provided the 2018/19 Quarter 2 (July - September 2018) performance report for Wirral Plan pledges under the Environment theme. The Quarter 2 report was included as Appendix 1 to the report, and provided a description of the progress in Quarter 2, including available data in relation to a range of outcome indicators and supporting measures.

Responding to Members' comments, Mark Smith stated that he would have to get more information around the energy switch service and why the take-up had been so low. He commented that more people were perhaps finding their own deals online and switching themselves.

A Member suggested that an item on the Smoke Free Wirral Strategy could be added to the Work Programme for a future committee to have an update on the broader picture.

**Resolved – That the report be noted.**

### 33 ENVIRONMENT O&S COMMITTEE WORK PROGRAMME

The Committee considered a report from the Chair which explained the process of developing and managing a scrutiny work programme for the current municipal year.

Mark Smith, Interim Director for Highways and Streetscene, reported that after an extensive consultation on a proposed Dog Control Public Space Protection Order and after discussions with the Cabinet Member for Environment, the suggestion had been made for pre-decision scrutiny of the issues at a special meeting of the Committee.

With the permission of the Chair, Councillor Anita Leech addressed the Committee and commented that she would be meeting with different organisations and listening to what they had to say. The consultation had revealed a wide range of views on the matter and it was only right that the matter should have pre-decision scrutiny.

A Member suggested that user groups, such as Wirral Good Dogs, should be invited to the special meeting.

The Chair concurred that this would be the best way forward to have a special meeting of the Committee with a single item agenda and that some suggested dates be circulated to Members with the meeting being held on a date with majority agreement.

On a motion by the Chair, seconded by Councillor Adam Sykes, it was –

#### **Resolved –**

- (1) That a special meeting of the Committee be held on a date to be agreed, to consider all the issues concerning a proposed Dog Control Public Space Protection Order to which user groups would also be invited.**
- (2) That the Work Programme be agreed with the addition of updates on the Modern Slavery Strategy and an item on the Smoke Free Wirral Strategy.**

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## ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

30<sup>TH</sup> JANUARY 2019

<b>REPORT TITLE</b>	Local Plan Update Report
<b>REPORT OF</b>	David Ball Assistant Director Major Growth Projects and Housing Growth

### 1. Report Summary.

1.1 This report provides an update report on the Local Plan which has been requested by the Chair of this Committee.

### 2. Recommendation.

That the update report on the Local Plan be noted.

### 3. Report

3.1 Progress on the Local Plan was reported to cabinet on 17<sup>th</sup> December 2018. A copy of that report is attached at Appendix 1 of this report.

3.2 The Assistant Director will present this report to the Committee and then answer any question arising from it.

**REPORT AUTHOR:** *David Ball*  
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### APPENDICES

Appendix 1 – Wirral Local Plan – Update Report

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**COUNCILLOR  
GEORGE DAVIES**

**CABINET**

**Monday, 17 December 2018**

**WIRRAL LOCAL PLAN - UPDATE  
REPORT**

**Councillor George Davies, Cabinet Member - Housing & Planning (and Deputy Leader of the Council), said:**

“Making sure Wirral residents have a choice of good quality, attractive housing is vital. We’ve got to have a robust Local Plan so we are able to meet those needs.

“We’ve also got a responsibility to our residents. They have told us, unequivocally, that they do not wish to see Green Belt land developed for housing. We agree, and we have told Government Ministers the same thing.

“We must have a Local Plan. We understand this, and we are committed to developing one within the timeframe we have set out. We will do everything we can to protect our local environment and the Green Belt which is so important to our residents.

“We have consistently lobbied Government to allow us to use the recent, more accurate household projection figures published by the Office of National Statistics in September this year. Using these figures would mean we need release almost no Green Belt land for development.

“At the moment, the Government are refusing to allow us to lower our projections, so we must continue to plan for the bigger housing target – 12,000 over the next 15 years.

“Over the next six months, Council officers will do the detailed technical assessments required on all land which was included in the consultation. We will do this, so we can ensure our Local Plan does what it needs to do.

“I want to thank every Wirral resident who took part in this consultation. I want to reassure them that we are on their side, and pledge to do everything in our power to protect our borough and our unique environment.”

## **REPORT SUMMARY**

Cabinet on 23 July 2018 resolved that the results of a review of development options should be published for public and stakeholder consultation and that the results of the consultation should be reported to Cabinet in December 2018.

However, by the end of the consultation period, a very high volume of responses had been received, which are still being collated and analysed. A summary of these responses will be published in February 2019. The Council’s responses and analysis will be published alongside the draft Local Plan.

This report therefore sets out the current position with the preparation of the Local Plan and the advice that has been received from Leading Counsel who has recently been appointed to advise on the remaining stages of plan preparation, to adoption.

In line with the advice of Counsel, it is recommended that the timetable for the preparation of the Local Plan is reviewed to ensure that any future decisions are robust, legally compliant and take account of all the necessary evidence base. Amendments to the timetable for the Local Plan, as set down in the Local Development Scheme, is a key decision which will require the approval of Full Council.

In order to facilitate progress in the preparation of the Local Plan it is recommended that approval be given for the Scheme of Delegation be amended to delegate decisions relating to the approval and publication of the evidence base and associated technical reports to the Director of Economic and Housing Growth in consultation with the portfolio holder for Housing and Planning. Decisions relating to the implementation of policy changes will still need to be made by full Council via Cabinet

Once agreed, the final approved Local Plan will support the delivery of the Wirral Plan.

## **RECOMMENDATIONS**

- (1) That a revised Local Development Scheme is submitted for approval once the amended future timetable has been determined.
- (2) That approval be given to amend the Scheme of Delegation of Executive Functions to Officers to delegate to the Director of Economic and Housing Growth, in consultation with the portfolio holder for Housing and Planning decisions relating to the approval and publication of the evidence base, and associated technical reports, relevant to the preparation of the Local Plan.
- (3) That the summary report on the consultation responses received be published in February 2019.
- (4) That the Council continues to lobby Government, to enable it to use the ONS household projections, published in September, 2018 for the purposes of preparing its Local Plan, which would give an annual target of 488 new residential dwellings per annum.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To comply with the legal and procedural requirements necessary to complete the preparation and adoption of an up-to-date Core Strategy Local Plan for Wirral, in line with the National Planning Policy Framework (NPPF).

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Progress of the Local Plan continues to be monitored by the Secretary of State and the threat of intervention remains. Not preparing an up-to-date Local Plan may also incur financial penalties.
- 2.2 Not preparing an up-to-date Local Plan would mean that the Council would have to continue to rely on the Unitary Development Plan adopted in February 2000.
- 2.3 The national presumption in favour of sustainable development will be held to apply where there are no relevant development plan policies or the policies which are most important for determining the application are out of date (NPPF paragraph 11).
- 2.4 Relevant policies may not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites or where the delivery of housing was substantially below the housing requirement over the previous three years (NPPF, paragraph 11, footnote 7). In these circumstances, decisions on planning applications will have to be made in the context of the National Planning Policy Framework, with policies in the Unitary Development Plan and Neighbourhood Development Plans prepared by the local community only carrying weight according to their consistency with the Framework.

### **3.0 BACKGROUND INFORMATION**

- 3.1 Cabinet on 23 July 2018 (Minute 17 refers) resolved that the public should be consulted on the results of a review of development options that included proposed sites for housing, employment, mixed uses and sites for further investigation for potential release from the Green Belt.
- 3.2 Formal consultation on the Development Options Review was undertaken between 3 September and 26 October 2018. By the end of the consultation period, 3,146 separate responses had been received, which are still being collated and analysed.
- 3.3 Leading Counsel has now been appointed to advise on the remaining stages of plan preparation up to adoption.
- 3.4 This report provides an update of the current position with regard to the future preparation of the Local Plan and seeks approval for the arrangements being made to move towards the completion of the Local Plan.

## **4.0 PROCEDURAL MATTERS**

### Timetable

- 4.1 The Council continues to progress the Local Plan as quickly as possible within the statutory framework.
- 4.2 Counsel has reiterated the importance of ensuring that any future decision making is supported by the completion of the necessary statutory environmental appraisals. This will require a review of the timetable for the preparation of the Local Plan, set out in the Local Development Scheme approved by Council in March 2018 (Minute 133), which is currently being monitored by the Secretary of State. The Secretary of State has been advised of the necessity of this review.
- 4.3 A final revised timetable will be available following the appointment of the consultants for the sustainability appraisal.

### Delegation of Decisions

- 4.4 In order to progress the Local Plan more effectively, Counsel advises that there be increased delegation of decision making to senior officers.
- 4.5 Approval is therefore sought to amend the Scheme of Delegation of Executive Functions to Officers to delegate to the Director of Economic and Housing Growth, in consultation with the portfolio holder for Planning and Housing, all decisions relating to the approval and publication of the evidence base, and associated technical reports, relevant to the preparation of the Local Plan.
- 4.6 Any policy decisions based on that evidence will continue to require the approval of Full Council.

### Evidence Base

- 4.7 Counsel will continue to advise on the work required to provide a robust and sound evidence base in preparation of the Local Plan. A full draft Local Plan together with the technical reports will be published for public comment in 2019.

### Housing Numbers

- 4.8. Counsel has advised that the Council should rely on the standard method for assessing local housing need set out in national policy and guidance, pending the outcome of the Government's recent national consultation on proposed revisions to the national standard method for local housing needs.
- 4.9 The Council has submitted its formal response that any final decisions on the figures to be used in assessing local housing need, including any variance from the outputs from the standard method, should be retained at local level, and to state that the Council wishes to be able to adopt the most up-to-date 2016-based household projections (which result in a reduced minimum requirement of 488 dwellings per year) as a basis for assessing the future housing needs of the Borough.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 Consultation on the review of development options has been completed using existing resources for Economic and Housing Growth. Officers continue to monitor the cost implications of the production of the Local Plan in consultation with the Director of Finance and Investment

## **6.0 LEGAL IMPLICATIONS**

- 6.1 The Local Plan for Wirral must be prepared in line with the process set out in national legislation and can only be adopted by the Council if it is found to be legally compliant and sound by a Planning Inspector appointed by the Secretary of State after public examination.
- 6.2 To be sound, a local plan must be: positively prepared, to as a minimum meet the area's objectively assessed needs; justified, in terms of being an appropriate strategy, taking into account the reasonable alternatives; effective, in terms of being deliverable over the plan period and based on effective joint working on cross-boundary strategic matters; and consistent with national policy, enabling the delivery of sustainable development in accordance with the National Planning Policy Framework (NPPF, paragraph 35 refers).
- 6.3 To be legally compliant, the local plan must be prepared to fully comply with national legislation and regulations, including the Duty to Co-operate.
- 6.4 The Council has a legal Duty to Co-operate with named public bodies including adjoining local authorities and national agencies. A failure to comply with the Duty to Co-operate can be fatal to the legal compliance of the Local Plan and could require the Local Plan to be withdrawn.
- 6.5 The Council must also comply with its own statutory Statement of Community Involvement, last adopted in March 2014.
- 6.6 The approval of the final Draft Local Plan will require a resolution of Council before it can be published and submitted to the Secretary of State for public examination.
- 6.7 The Housing and Planning Act 2016 significantly increased the powers of the Secretary of State to intervene in plan-making, at any stage in the plan making process. The Secretary of State can now intervene if he thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a local plan and may prepare or revise the document or give directions to the authority in relation to the preparation or revision of the document but must give reasons for any action that he takes (section 146 refers).
- 6.8 The Neighbourhood Planning Act 2017 also enables the Secretary of State to make regulations to require a local planning authority to review local development documents at prescribed times; and extended powers over their content, with which the Council must comply (sections 11 and 12 refer).

Regulations under section 12 now require local planning authorities to review their local plans and statements of community involvement at least every five years, from April 2018.

- 6.9 The Secretary of State can also direct two or more local planning authorities to prepare a joint local plan, if this would facilitate the more effective planning of the development and use of land in one or more of their areas, including setting a timetable and specifying the areas and matters to be covered. The Secretary of State or combined authority will then be able to apportion liability for expenditure on joint plan preparation as the Secretary of State considers appropriate (section 9 refers).
- 6.10 Section 15 of the Planning and Compulsory Purchase Act requires the Council to revise their Local Development Scheme, to set out the documents that will comprise their local plan and the timetable for their preparation and revision, when directed to do so by the Secretary of State. The Localism Act 2011 also requires the Council to publish up to date information on their compliance with the Scheme (section 111 refers).
- 6.11 Under the Housing and Planning Act 2016, the Secretary of State can prepare a Local Development Scheme for a local planning authority, if one has not been prepared and direct that the local planning authority bring it into effect and can direct a local planning authority to make such amendments as he thinks appropriate to ensure the full and effective coverage of the area, with regard to both geography and content (section 143 refers).
- 6.12 Following Counsel's advice, the timetable set out in the Local Development Scheme approved by Council in March 2018 (Minute 133), which is currently being monitored by the Secretary of State, needs to be formally amended, which will require the approval of Full Council.
- 6.13 Planning applications must be determined in accordance with the adopted Development Plan unless material considerations (which include national policy and guidance) indicate otherwise.
- 6.14 The statutory Development Plan for Wirral currently comprises the Council's Unitary Development Plan, adopted in February 2000; the Joint Waste Local Plan for Merseyside and Halton, adopted in July 2013; the Neighbourhood Development Plan for Devonshire Park, made in December 2015; and the Neighbourhood Development Plan for Hoylake, made in December 2016.
- 6.15 Where policies are out-of-date, permission should be granted unless the policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (NPPF, paragraph 11 refers).

## **7.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 7.1 The collation and analysis of the consultation responses has been supported by two temporary administrative staff and will be further supported by two temporary Planning Officers, to prepare a full report of consultation for publication early in the New Year.
- 7.2 Five new posts, including one Principal Planning Officer, three Senior Planning Officers and one Planning Officer were advertised in November to support the future preparation of the Local Plan. Two, two-year administrative posts will be advertised in the next few weeks.
- 7.3 An independent external Programme Officer has been identified to advise on the preparations for the submission of the final Local Plan to the Secretary of State and to run and co-ordinate the future public examination on behalf of the Planning Inspector who will be appointed by the Secretary of State.
- 7.4 External consultants will be appointed to undertake the sustainability appraisal and strategic environmental assessment and Habitats Regulations Assessment and any other specialist technical studies.

## **8.0 RELEVANT RISKS**

- 8.1 A failure to meet the Council's timetable for the preparation of the Local Plan could lead to intervention by the Secretary of State, including potential financial penalties; which could include the withdrawal of some or all, of the Council's annual award of New Homes Bonus, or work undertaken by consultants appointed by the Secretary of State in default.
- 8.2 Not modifying the Core Strategy Local Plan to address the issues identified in national policy or in the latest local research could lead to the Local Plan being withdrawn, with abortive costs and/or unnecessary time and expense being incurred at a future public examination.
- 8.3 Payments under the New Homes Bonus could be amended, in terms of the conditions, amount and duration of payments for each new home completed.
- 8.4 The national presumption in favour of sustainable development will be held to apply where there are no relevant development plan policies or the policies which are most important for determining the application are out of date (NPPF paragraph 11).
- 8.5 Relevant policies may not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites or where the delivery of housing was substantially below the housing requirement over the previous three years (NPPF, paragraph 11, footnote 7).
- 8.6 In these circumstances, decisions on planning applications will have to be made in the context of the National Planning Policy Framework, with policies in the Unitary Development Plan and Neighbourhood Development Plans prepared by

the local community carrying weight according to their consistency with the Framework.

## **9.0 ENGAGEMENT / CONSULTATION**

9.1 Public involvement in the preparation of the Local Plan has been governed by the Council's statutory Statement of Community Involvement, adopted by Full Council in March 2014.

9.2 The Statement of Community Involvement requires a minimum six-week period of consultation, including the need to notify the neighbours of any site specific proposals (SCI, Table 1, page 13; and paragraphs 3.52 and 3.56, page 16 refer).

9.3 People and organisations may also register their contact details so that they are notified as each new document is made available and when each new stage is reached. Personal data is held and used in accordance with a Forward Planning Privacy Notice, for which a link is provided below.

9.4 Formal consultation on the Development Options Review was undertaken between 3 September and 25 October 2018. The consultation included a series of public briefing sessions, which were widely publicised and well-attended, to provide background information and the opportunity to speak to Council officers. By the end of the consultation period, 3,146 separate responses had been received, which are still being collated and analysed.

9.5 Key themes emerging, at present, include:

- general and site-specific opposition from local residents to using land in the Green Belt for any new development;
- concern about the methodology used to determine the sites identified;
- scepticism about the data underlying the calculation of local housing need;
- concern about the likely affordability of any new properties;
- a strong preference for the use of brownfield sites;
- the need to maximise the contribution from Wirral Waters and the re-use of empty properties;
- environmental impacts and the capacity of existing infrastructure;
- site-specific concerns about particular sites within the urban area;
- the provision of further details from developers, seeking to demonstrate the suitability of their development proposals; and
- the need for further information on the likely impact of the developments being proposed.

9.6 A full summary of all the responses received from the public consultation, will be published in February 2019.

9.7 The next major stage of public consultation will take place once a complete version of a new draft Local Plan has been prepared.

## **10.0 EQUALITY IMPLICATIONS**

10.1 The Local Plan has been subject to ongoing Equality Impact Assessment.

- 10.2 Results of previous Equality Impact Assessments prepared at each stage in the preparation of the Core Strategy can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan-0>
- 10.3 A revised Equality Impact Assessment will be presented alongside the final proposals to be included in the final Local Plan.

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## **APPENDICES**

None

## **REFERENCE MATERIAL**

Local Development Scheme for Wirral (March 2018) can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/local-development-scheme>

The Council's adopted Statement of Community Involvement (March 2014) can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/community-involvement-local-planning/statement>

The Forward Planning Privacy Notice can be viewed at <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/forward-planning-privacy-notice>

Previous stages in the preparation of the Council's Core Strategy Local Plan can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan>

Documents related to the development options review can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan-6>

The National Planning Policy Framework (NPPF, Revised 24 July 2018) can be viewed at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The latest National Planning Practice Guidance (NPPG) can be viewed at <http://planningguidance.communities.gov.uk/> Guidance for Local Plans can be viewed at <https://www.gov.uk/guidance/local-plans--2>. Guidance on how Council's should assess their housing needs can be viewed at <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

Government technical consultation on updates to national planning policy and guidance, including the standard method for assessing housing need, can be viewed at

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Delegated Report - Approval of Green Belt Review Documents for Public Consultation	3 September 2018
Cabinet – Core Strategy Local Plan – Review of Development Options (Minute 17)	23 July 2018
Cabinet – Employment Land Study Update (Minute 102)	26 March 2018
Council – Approval of revised Local Development Scheme (Minute 133)	19 March 2018
Environment Overview and Scrutiny – Wirral Local Plan – Report of Progress Since 2004 (Minute 46)	31 January 2018
Delegated Report – Local Development Framework Monitoring Report 2016/17 and approval of revised Local Development Scheme	21 December 2017
Environment Overview and Scrutiny - Wirral Local Plan – Letter from Secretary of State (Minute 40)	7 December 2017
Delegated Decision – Revised Pitch Strategy for Wirral Council – Approval of Revised Pitch Strategy for Wirral (Minute 97)	27 October 2017 11 December 2017
Cabinet – Core Strategy Local Plan – Report of Further Consultation on Housing Needs and Land Supply (Minute 96)	27 February 2017
Cabinet - Core Strategy Local Plan - Strategic Housing Market Assessment Update (Minute 31)	18 July 2016



## Environment Overview and Scrutiny Committee Wednesday, 30<sup>th</sup> January 2019

<b>REPORT TITLE:</b>	<b>Environment Overview &amp; Scrutiny Committee - Work Programme Report</b>
<b>REPORT OF:</b>	<b>The Chair of the Committee – Councillor Tony Jones</b>

### REPORT SUMMARY

This report explains the process of developing and managing the scrutiny work programme for the municipal year. The Environment Overview & Scrutiny Committee, in cooperation with the other three Overview & Scrutiny Committees, is responsible for proposing and delivering an annual scrutiny work programme. This work programme should align with the corporate priorities of the Council, in particular the delivery of the Wirral Plan pledges which are within the remit of the Committee.

It is envisaged that the work programme will be formed from a combination of scrutiny reviews, standing items and requested officer reports. This report provides the committee with an opportunity to plan and regularly review its work across the municipal year.

### RECOMMENDATION/S

Members are requested to:

1. Approve the proposed Environment Overview & Scrutiny Committee work programme for 2018/19, making any required amendments.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

To ensure members of the Environment Overview & Scrutiny Committee have the opportunity to contribute to the delivery of the annual work programme.

### 2.0 OTHER OPTIONS CONSIDERED

Not Applicable

### 3.0 BACKGROUND INFORMATION

#### 3.1 THE SCRUTINY WORK PROGRAMME AND THE WIRRAL PLAN

The work programme should align with the priorities of the Council and its partners. The programme will be informed by:

- The Wirral Plan pledges
- The Council's transformation programme
- The Council's Forward Plan
- Service performance information
- Risk management information
- Public or service user feedback
- Referrals from Cabinet / Council

The specific Wirral Plan pledges and associated strategies of particular relevance to the Environment Overview & Scrutiny Committee are:

<b>Pledge</b>	<b>Strategies</b>
Leisure and cultural opportunities for all	Wirral's Leisure Strategy Wirral's Culture Strategy
Wirral residents live healthier lives	Wirral's Residents Live Healthier Lives Strategy
Community services are joined up and accessible	Wirral Together Strategy (in development)
Good quality housing that meets the needs of residents	Housing Strategy
Wirral's neighbourhoods are safe	Ensuring Wirral's Neighbourhoods are Safe Strategy
Attractive local environment for Wirral residents	Managing our Waste Strategy Loving our Environment Strategy

### 3.2 PRINCIPLES FOR PRIORITISATION

Good practice suggests that, in order to maximise the impact of scrutiny, it is necessary to prioritise proposed topics within the work programme. Members may find the following criteria helpful in providing a guideline towards ensuring that the most significant topics are prioritised:

<b>Principles for Prioritisation</b>	
Wirral Plan	Does the topic have a direct link with one of the 2020 pledges?
	Will the review lead to improved outcomes for Wirral residents?
Public Interest	Does the topic have particular importance for Wirral Residents?
Transformation	Will the review support the transformation of the Council?
Financial Significance	Is the subject matter an area of significant spend or potential saving?
	Will the review support the Council in achieving its savings targets?
Timeliness / Effectiveness	Is this the most appropriate time for this topic to be scrutinised?
	Will the review be a good use of Council resources?

By assessing prospective topics using these criteria, the Committee can prioritise an effective work programme that ensures relevance and the highest potential to enhance outcomes for residents.

### 3.3 DELIVERING THE WORK PROGRAMME

It is anticipated that the work programme will be delivered through a combination of:

- Scrutiny reviews undertaken by task & finish groups
- Evidence days and workshops
- Committee reports provided by officers
- Standing committee agenda items, for example, performance monitoring and financial monitoring
- Spotlight sessions
- Standing panels (where deemed necessary)

As some of the selected topics may well cut across the Wirral Plan themes, it is anticipated that some of the scrutiny topics may be of interest to members of more than one committee. In these circumstances, opportunities for members of more than one committee to work jointly on an item of scrutiny work will be explored.

Regular work programme update reports will provide the committee with an opportunity to plan and regularly review its work across the municipal year.

#### **4.0 SCRUTINY WORK PROGRAMME ITEMS**

##### **4.1 Budget Savings Proposals**

As part of the Committee's work programme for the year, a scrutiny workshop was convened on 4<sup>th</sup> December 2018 for Members to consider two budget proposals, as agreed by the Chair and Party Spokespersons, before Cabinet makes its final decision as part of the budget setting process. An Additional workshop was scheduled for Wednesday 16<sup>th</sup> January 2019 for Members to consider additional information relating to these proposals. The final report is included elsewhere on this agenda.

##### **4.2 Recycling Task & Finish Scrutiny Review**

A Task & Finish Scrutiny Review on 'Recycling' was added to the committee's work programme for 2018/19. A Review Panel consisting of three Members was agreed and includes Cllrs Adam Sykes, Christina Muspratt and Allan Brame. The Review Panel has had its first evidence session and included representatives from the Merseyside Recycling and Waste Authority (MRWA). The Review Panel will convene again to consider Government's recently released Resources and Waste Strategy and the impact this has for Wirral.

##### **4.3 Wirral Flood & Water Management Partnership**

At the Committee meeting held on 20<sup>th</sup> September, the terms of reference for the Wirral Flood & Water Management Partnership were agreed and that the Chair and Party Spokespersons would represent scrutiny on the Partnership. The first meeting has now been scheduled for 12<sup>th</sup> February 2019 and an update will be provided at the committee meeting scheduled on 13<sup>th</sup> March 2019.

#### **5.0 FINANCIAL IMPLICATIONS**

Not Applicable

#### **6.0 LEGAL IMPLICATIONS**

Not Applicable

#### **7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

The delivery of the scrutiny work programme will be met from within existing resources.

#### **8.0 RELEVANT RISKS**

Not Applicable

#### **9.0 ENGAGEMENT/CONSULTATION**

Not Applicable

#### **10.0 EQUALITY IMPLICATIONS**

This report is for information to Members and there are no direct equality implications.

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**APPENDICES**

**Appendix 1: Environment Overview & Scrutiny Committee – Work programme**

**REFERENCE MATERIAL**

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>

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**Proposed Agenda Items – 30th January 2019**

*(NB – There is no quarterly Financial Monitoring report and Wirral Plan Performance report for this meeting)*

Item	Format	Officer
Local Plan Update	Report	David Ball – Assistant Director Major Growth Projects & Housing Delivery.
Overview of the Environmental Enforcement contract	Presentation to be delivered by Council officers and representatives from Kingdom Environmental Services	Mark Smith – Strategic Commissioner (Environment) Mike Cockburn – Lead Commissioner (Environment)  Representation from Kingdom Environmental Services to attend
Budget Proposals Scrutiny Workshop	Report	Chair of the Committee.
Scrutiny Work Programme Update	Report	Report of the Chair of the Committee, Cllr Tony Jones

**STANDING AGENDA ITEMS**

Item	Format	Officer / Councillor
2018/19 Quarterly Finance Monitoring Report	Report / Presentation	Finance to present report
2018/19 Quarterly Wirral Plan Performance Report	Report	Carl Gurnell, Team Leader – Performance & Scrutiny
Core Strategy Local Plan Progress Update  <i>Standing Item agreed at Special Meeting of the Committee on 7<sup>th</sup> December 2017</i>	Report / Verbal update	David Ball - Assistant Director Environmental Services
Kingdom Environmental Services  <i>Standing item agreed at Call-in on 17<sup>th</sup> July 2018</i>	Report / Verbal update	Mark Smith – Strategic Commissioner (Environment)

#### ADDITIONAL AGENDA ITEMS TO BE SCHEDULED

Item	Format	Approximate timescale	Lead Officer
Healthier Lives Strategy / Action Plan update	Committee Report / Presentation	TBC	TBC
Alcohol Strategy update	Committee Report / Presentation	TBC	
Smoke Free Wirral Strategy	Committee Report / Presentation	TBC	Julie Webster
Safer Wirral Hub update (progress on phase 2 implementation)	Committee Report / Presentation	TBC	TBC
Update report on implementing Playing Pitch, Min 32(2), November 2017 OSC	Committee Report	TBC	TBC
Modern Slavery – Implementation of Action Plan Monitoring	Committee Report	TBC	Mark Camborne

#### WORK PROGRAMME ACTIVITIES OUTSIDE COMMITTEE

Item	Format	Timescale	Lead Officer	Progress / Comments
Recycling in Wirral	Task & Finish Scrutiny Review	TBC	Mark Smith	1st session convened on 3rd Dec 18.
Libraries (deferred pending outcome of transformation scrutiny)	Task & Finish Scrutiny Review	TBC	TBC	
Wirral Flood & Water Management Partnership	Partnership meeting	Frequency to be agreed	Mark Smith	First meeting scheduled 12 <sup>th</sup> February 2019
Public Spaces Protection Orders	Special Meeting	January 15 <sup>th</sup>		Meeting convened for 15 <sup>th</sup> January 2019.
Transforming Wirral – Further business cases	Workshops	TBC	TBC	
Impact of Gambling				Recommendation from Public Health Report (Cabinet 16 <sup>th</sup> July 2018). Further Scrutiny to be considered on completion of Officer/Gambling Commission Working Group work.