

IMPROVING PLACES SELECT COMMISSION

Venue: Town Hall, Moorgate
Street, ROTHERHAM.
S60 2TH

Date: Wednesday, 19th February, 2014

Time: 1.30 p.m.

A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Minutes of the previous meeting held on 15th January, 2014 (herewith) (Pages 1 - 5)
4. Local Plan - Consultation on Main Modifications to the Core Strategy (report herewith) (Pages 6 - 15)
5. Proposed Response to the Highways Agency Consultation on Maximum Mandatory Speed Limit - M1 Junctions 28 to 35a (report herewith) (Pages 16 - 22)
6. Land Registry, Wider Powers and Local Land Charges (report herewith) (Pages 23 - 34)
7. Date and time of the next meeting - Wednesday, 26th March, 2014 at 1.30 p.m.

Improving Places Select Commission: membership: -

Councillors Andrews, Astbury, Atkin, Dodson, Ellis, Falvey (Chairman), Foden, Gilding, Godfrey, Gosling, N. Hamilton, Jepson, Johnston, Pickering, Read, Roche, P. A. Russell, Sims (Vice-Chairman), Swift, Vines, Wallis and Whysall.

Co-opted members:- Mrs. P. Copnell, Mr. T. Roche and Mr. B. Walker.

IMPROVING PLACES SELECT COMMISSION
15th January, 2014

Present:- Councillor Falvey (in the Chair); The Mayor (Councillor Foden); Councillors Astbury, Dodson, Ellis, Gilding, Godfrey, Gosling, N. Hamilton, Jepson, Johnston, Read, Roche, P. A. Russell, Sims, Swift, Vines and Wallis; and co-opted member Mr. B. Walker.

Apologies for absence were received from Councillors Andrews, Atkin, Pickering and Whysall and from co-opted member Mrs. P. Copnell.

37. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

38. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from members of the public or the press.

39. COMMUNICATIONS

There were no items to report.

40. MINUTES OF THE PREVIOUS MEETING OF THE IMPROVING PLACES SELECT COMMISSION HELD ON 27TH NOVEMBER 2013

Resolved:- That the minutes of the previous meeting of the Improving Places Select Commission, held on 27th November, 2013, be approved as a correct record for signature by the Chairman.

41. PROPOSED RESPONSE TO HM GOVERNMENT CONSULTATION ON PARKING

Consideration was given to a report, presented by the Parking Services Manager, concerning the Department for Communities and Local Government consultation process about the intention to change the law and either prohibit or restrict the use of closed circuit television (CCTV) systems for parking enforcement and also to introduce other changes to parking enforcement law.

The Select Commission noted that the primary function of the CCTV enforcement vehicle owned by this Council is enforcement in areas where there are concerns about road safety and the prevention of traffic congestion. The effective management of vehicle parking in these locations also results in the generation of income. Members noted that the use of the enforcement vehicle had produced positive results, in terms of road safety, in respect of reducing the problem of incorrect/illegal parking at these locations:-

- improving road safety on roads outside schools;
- prevention of parking in bus lay-bys;
- prevention of parking on the 'zig-zag' lines near to pelican crossings;
- preventing private hire vehicles parking in the taxi ranks intended for hackney carriages.

The list of questions from the consultation document, together with this Council's suggested responses, were appended to the submitted report.

The Select Commission's discussion of this item included the following salient points:-

- discounts for prompt payment of parking fines in cases where motorists lose their appeals at a parking tribunal;
- a number of textual amendments were suggested to the responses;
- the parking of heavy vehicles on the footway, which may cause damage to the highway surface structure – and whether the costs of subsequent repair and maintenance could be re-charged to the vehicle drivers;
- the powers of the Police to issue penalty notices to motorists whenever there is parking which causes unsafe and/or dangerous obstruction of the highway;
- the initial procurement of the enforcement vehicle, funded by the South Yorkshire Safer Roads Partnership and the continuing operating costs of the vehicle;
- the recording of film footage of parked vehicles, utilising a system based on the 'Google Earth' maps – for eventual use in the issuing of penalty notices;
- the reviewing of individual cases of illegally parked vehicles, prior to the issuing of penalty notices;
- the Council's methods of reviewing the need for parking restrictions (yellow lines, etc.) by the Traffic and Transportation Section;
- the legislation concerning the prohibition of parking near to road junctions;
- Members referred to specific areas and highways, throughout the Rotherham Borough, to highlight parking problems;
- Parking Services and its customer focus;
- emphasis that parking enforcement is not used for income generation

by local authorities, but is correctly used to improve road safety;

- the design of new residential areas, in which there is sometimes limited space only for vehicle parking;
- reviewing the effectiveness of the use of the enforcement vehicle, especially in areas close to schools;
- the possible impact of the coalition Government's intended changes to parking enforcement law.

Resolved:- (1) That the report be received and its contents noted.

(2) That a further report be submitted to a meeting of the Improving Places Select Commission, in twelve months' time, describing the effectiveness of the use of the CCTV parking enforcement vehicle.

42. CUSTOMER AND LIBRARY SERVICES - REVIEW OF CHANGES TO SERVICES

Further to Minute No. 199 of the meeting of the Cabinet held on 24th April, 2013, consideration was given to a report, presented by the Customer and Cultural Services Manager, concerning the changes which have been implemented during the past two years within Customer and Library Services. The submitted report summarised the changes and provided an initial review of the impact of changes to opening hours and the implementation of the joint library and customer service model. The various sections of the report dealt with:-

- service changes and the increasing take-up of on-line services;
- closure of the community library at Kimberworth Park;
- closure of the Service Centres at Swinton and at Dinnington;
- changes to the opening hours in 13 of the 15 libraries across the Borough area;
- reductions in spending and the achievement of budget savings targets;
- implementation of a new mobile library timetable;
- launch of the e-book borrowing service, in response to customer demand;
- details of the joint library and customer service model;
- the impact of the changes upon service delivery;
- a summary of the feedback received from customers;
- making libraries and service centres the 'hub' of their communities and localities (e.g.: Mowbray Gardens).

Reference was made to the following salient issues:-

- the availability and use of the mobile library service – one vehicle visiting villages and towns in the Rotherham Borough area; the other vehicle visiting facilities such as sheltered housing schemes; Members noted that customers visiting Council premises often wish to access a variety of Council services, not only a single one such as a library; Members requested details of the routes of the mobile library vehicles;
- the availability and usage of the payment machine facilities at the service centres; the reliability of these machines;
- the provision of a variety of services for local communities (eg: at Mowbray Gardens – language classes for people for whom English is their second language; education classes);
- the system of lending e-books, which has begun to attract new members to the library service;
- the consultation process prior to the closure of the Kimberworth Park community library and the provision of the mobile library in that location;
- the continuing pressures upon service delivery of the reductions in local authority budgets; in terms of the review of customer services and libraries, Members welcomed the use of a clear rationale and consultation process; the shared use of premises for service delivery was also beneficial to customers;
- the importance of the availability and delivery of services in deprived communities;
- the availability of volunteers to assist with service delivery;
- Members referred to specific issues affecting the individual customer service centres (eg: computer access for customers; dealing with customers at busy times; availability of rooms where customers may discuss issues in private);
- the trends relating to the migration of customers to alternative facilities, as a consequence of the service changes (eg: people who previously used locality services now preferring to visit the Council's Riverside House building);
- publicity and marketing – in relation to the facilities/services on offer and for changes to opening hours;
- the effective use of ICT facilities to improve customer service (eg: the availability of wi-fi services).

Members placed on record their appreciation of the work of the staff of libraries and customer services.

Resolved:- (1) That the report be received and its contents noted.

(2) That the example of the provision of services from the Mowbray Gardens centre be used as a template for centres throughout the Rotherham Borough area.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Improving Places Select Commission
2.	Date:	Wednesday 19 February 2014
3.	Title:	Local Plan: Consultation on Main Modifications to the Core Strategy
4.	Directorate:	Environment & Development Services

5. Summary

The report outlines the modifications to the Core Strategy to accommodate the changes required by the Planning Inspector. These modifications are necessary to make the document sound and enable the Council to adopt the document following due process.

6. Recommendations

- 1. That Members note the contents of this report regarding consultation on Main Modifications to the Core Strategy.**

7. Proposals and Details

Background

Rotherham's Local Plan consists of two documents – the Core Strategy setting out the broad amount and distribution of future growth and the Sites & Policies document setting out the detailed sites and development management policies to deliver this growth.

On 6 June 2013 we submitted the Core Strategy to the Secretary of State for independent examination to determine whether the Core Strategy is “sound”, ie legally compliant and fit for purpose. The public hearing sessions took place in Riverside House between 22 October and 6 November 2013. The Inspector also visited several areas of the borough to inform his examination of the Core Strategy.

The Council put forward a very strong case in support of the Core Strategy at the hearings. Recognising local residents concerns about loss of Green Belt, we argued for a housing target that is lower than the previous government-imposed regional target. The Plan's target for new homes strikes a balance between meeting our future needs and protecting the environment.

Over the last few years Rotherham has not seen as many new homes built as we would have liked. This is despite there being capacity for over 5,000 new homes with planning permission each year for the last five years. The Council believes this shortfall is due to market conditions and not a lack of permissions on suitable sites.

We also promoted a phased approach to development to try and recycle brownfield land first before greenfield or Green Belt land. We argued strongly that this would allow us to choose the right sites at the right time in settlements across the borough.

We sought to continue our policy of seeking 25 per cent of new housing development as affordable housing.

We received the Inspector's initial conclusions on 6 January 2014 (Appendix 1) and the key recommended changes are set out below. These changes are required by the Inspector to make the Core Strategy sound – without these changes the Council cannot adopt the document.

- **Housing numbers** - the housing requirement for the Plan period (2013-2028) should be increased from 14,370 to 17,133. The Inspector accepts the Council's use of a local housing target set below the previous Regional Strategy figure. But he considers we should do more to make up the shortfall from under delivery in previous years.
- **Phasing of development sites** – the Core Strategy should be reworded to remove reference to the phasing of sites (i.e. which development sites should come forward first). This is to bring the Core Strategy in line with the national planning policy framework that does not prioritise this aim.
- **Commitment to Co-operation** - the Core Strategy should be modified to include a commitment to ongoing co-operation with relevant bodies and neighbouring

authorities and to an early / immediate review of the Core Strategy. This reflects concerns around the Strategic Housing Market Assessment (SHMA). However, the inspector favours continuing with the examination of the Core Strategy and finalising his report as a soon as possible so the Council can adopt the plan.

- **Bassingthorpe Farm** - Bassingthorpe Farm should be included in the Core Strategy as a Strategic Allocation, allowing it to come forward ahead of other sites in the Sites and Policies document.
- **Affordable Housing** - the Inspector endorses our 25% target and supports the amendments suggested to the affordable housing policy during the examination, primarily concerning commuted sums. These were made to clarify and strengthen its application while exempting self-build from the requirements.
- **Waverley** - the scale of development taking place at Waverley warrants its identification as a Principal Settlement in the Core Strategy settlement hierarchy, rather than as a Local Service Centre.

The Inspector has asked the Council to draft the wording of these modifications for his consideration and approval, prior to undertaking consultation. At time of writing a draft version of the modifications is currently with the Inspector.

Consulting on Modifications to the Core Strategy

The Council is required to consult on the Inspector's Main Modifications on his behalf. Consultation will take place over a 6 week period. The timing will be dependent upon the Council receiving the final wording of the Main Modifications from the Inspector and also the preparation of the accompanying Sustainability Appraisal. We envisage that consultation will start end of February / early March 2014. A consultation plan is attached for information at Appendix 2.

Representations will be invited in relation to the Sustainability Appraisal and the 'legal compliance' and 'soundness' of the Main Modifications only. It will not be an opportunity to repeat or raise further points about the Core Strategy, or to seek further changes.

We may also make available a schedule of minor changes to the Core Strategy. These do not affect the soundness of the plan and will be published for information only, not for comment.

Next steps

Following the close of consultation we will send any representations to the Inspector to enable him to take them into account when writing his final report. We expect that this report would then recommend that the Core Strategy was sound subject to the inclusion of the Modifications.

Under the Local Plan Steering Group scheme of delegation, Cabinet approval is required for public consultation on Development Plan Documents. This report was therefore submitted to Cabinet 5 Feb 2014 for authorisation to undertake consultation on the Main Modifications. As the Main Modifications are proposed and

approved by the Inspector (not the Council) there is no mechanism for the Council to influence these changes prior to consultation starting.

However, the Council will be able to make formal comments on the Modifications, along with all other interested parties. The Council's views on the Modifications can be determined during the consultation period via the Local Plan Steering Group and endorsed by Cabinet prior to submission to the inspector.

Final adoption of the Core Strategy remains a decision to be taken by Members (via Cabinet and Full Council) following receipt of the Inspector's report.

Sites & Policies document

The inspector has set out changes to the Core Strategy to make it sound. The most fundamental change is to increase the housing target. However, the inspector has made no recommendations about how or where this should happen. It is for the Council to revisit the draft Sites & Policies document to determine how and where extra housing sites can be found when we have received the inspector's final report.

Public consultation on the next version of the Sites & Policies document is programmed for summer 2014. At this stage the public and all interested parties can comment on the latest draft that will incorporate the results of the inspector's changes to the Core Strategy.

8. Finance

Costs incurred in relation to consultation on the Main Modifications to the Core Strategy will be met by the Planning Policy budget.

9. Risks and Uncertainties

- The Localism Act and National Planning Policy Framework (NPPF) express a strong presumption in favour of sustainable development. Our UDP policies only continue to have any weight where they are in accordance with the NPPF. It is important that Rotherham's Core Strategy is in place as soon as possible to provide an up-to-date planning policy framework for the Borough's future growth and development.
- A failure to achieve timely progress on the Local Plan could delay the spatial strategy required to guide future decision-making on planning applications.
- Having a Local Plan in place will provide a steer for any neighbourhood plans that may emerge under the provisions of the Localism Act.
- Failure to make progress with the Local Plan risks delayed provision of the new homes and employment opportunities that the Borough needs.

10. Policy and Performance Agenda Implications

The implementation of the Local Plan will make a positive contribution to all of Rotherham's Regeneration priorities. When adopted, the Core Strategy and supporting documents will further the objectives of the Corporate Plan and support the delivery of the Rotherham Sustainable Community Strategy by:

- providing sufficient good quality homes
- ensuring well designed, decent affordable housing
- providing employment land to meet the needs of the modern economy and support sustainable communities through access to employment opportunities
- promoting the "town centre first" policy approach to help the regeneration and renaissance of Rotherham Town Centre and other town, district and local centres within the borough.

11. Background Papers and Consultation

Appendix 1: Inspector's letter

Appendix 2: Consultation Plan

Core Strategy Examination website:

http://www.rotherham.gov.uk/info/1004/planning_policy/2083/core_strategy/2

Contact names:

Andy Duncan, Planning Policy Manager
01709 823830, andy.duncan@rotherham.gov.uk

Ryan Shepherd, Senior Planning Officer
01709 823888, ryan.shepherd@rotherham.gov.uk

Appendix 1: Letter from the Planning Inspector

Dear Mr Shepherd

Introduction

1. As you know, I have conducted a series of 7 Hearings and visited a good deal of the Borough. These visits have included 2 accompanied site inspections at Dinnington and Bassingthorpe Farm with Wentworth Woodhouse. I am now able to set out some preliminary thoughts on the Core Strategy and its examination so far. They should not be construed as final or all-embracing conclusions.
2. I regret to say that I am not convinced that, in its present form, the Core Strategy is sound. I therefore set out below the issues which I consider should be the subject of Main Modifications and which should be consulted upon in due course. I invite you to draft them for my consideration.

Housing numbers

3. The evidence refers to various estimates and targets for housing during the plan period, depending upon the base date and assumptions made. I have come to the view, however, that the 2008-based household projections provide the most realistic basis for the housing target. On its own, the outcome is a good deal fewer dwellings than the Regional Strategy (RS) target but, as you say, it closely aligns with the early results of the 2011 Census. A greater emphasis should, however, be placed upon the need to address the backlog. The backlog should be assessed according to the degree to which net housing completions have fallen short of the target set out in the development plan which was extant at the time.
4. From 2004/05 to 2012/13, this was the RS and RSD/14 Table 2 gives a total backlog during 2004/05 – 2011/12 of 3,738 dwellings to which should be added the 2012/13 deficit of 645 (1160-515). This total backlog of 4,383 dwellings equates to an annual provision of 292 dwellings, although the Council should aim to accommodate it within the first 5 years of the plan period. This change will have implications for the housing trajectory which should continue to include the 20% buffer to which the Framework refers. The total annual provision of 850 + 292 would bring it up to 1,142 annually, about the same as the RS annual requirement of 1160 dwellings which several participants advocate. It would better accord with the Government's policy to boost significantly the supply of housing and provide for a greater choice of sites. An annual 100 or so windfall sites would augment the supply. These revised housing numbers should be the subject of a Main Modification, and I look forward to receiving your suggested draft of it.

Phasing

5. Policy CS3 seeks to prioritise the development of the most sustainable sites. This appears to me to be a phasing policy and, even though you consider that

it would apply to no more than *a handful of sites*, I do not consider that it accords with the Framework. Development which is sustainable, it says, should go ahead without delay. The Sites and Policies DPD should identify sustainable sites in accordance with the strategy set out in the Core Strategy and the Council should encourage their suitable development straightaway. I therefore ask you to re-draft this Policy, taking my views on it as set out in Document ED/26.

Commitment to co-operation

6. It is unfortunate that the Strategic Housing Market Assessment (SHMA) relates only to Rotherham rather than to the entire housing market area and that this Assessment is of some age. But provided that the Core Strategy includes a commitment to continue to co-operate with relevant bodies, particularly Sheffield City Council, and to its early or immediate review, I do not think these shortcomings need be fatal. I would welcome your further thoughts on the prospect of such a review, including the date when it could be started, and would ask you to draft a Main Modification to ensure it. It could be based upon FC 147.
7. I understand that Sheffield City Council has decided to withdraw its Sites and Policies DPD and so it will not be submitted to the Secretary of State for examination. This withdrawal would appear to me to be a good opportunity for your Council, the City Council and any neighbouring authorities to co-operate in the preparation of a SHMA for the entire housing market area. I should appreciate your views on this, including any implications for the progress of the submitted Rotherham Core Strategy. In my judgement, however, it would be better to press on with the examination of your Core Strategy and the submission of my Report on it as soon as possible on the understanding that an early/immediate review will take place. Hence, unless you request otherwise, I shall continue to prepare my Report.

Bassingthorpe Farm

8. You consider that enough work has been undertaken on Bassingthorpe Farm for the Core Strategy to identify it as a strategic allocation rather than as a broad location for growth, as at present. I agree, and a Main Modification should provide for it. It would bring forward development by a year or so, and with it an earlier completion of about 125 dwellings. The housing trajectory should be modified accordingly.

Affordable homes

9. You have put forward proposed changes to Policy CS7 and its supporting text. I consider that they are of enough significance to warrant consultation upon them as a Main Modification.

Waverley

10. Waverley is identified as a Local Service Centre, yet it is proposed at present to take as much as about 17% of the Core Strategy's housing requirement. This is substantially more than that proposed for other such centres, and it will include employment land and presumably a commensurate range of services. I consider that its importance in the strategy should be acknowledged by its inclusion as a Principal Settlement.

Conclusion

11. I hope that these, my present thoughts, are helpful. Please put this letter on the examination web-site. I look forward to your response which should also be placed upon the website. Arrangements will, of course, have to be made for public consultation on the proposed Main Modifications. In view also of the increased provision for housing, it may be necessary to undertake further sustainability appraisal.

12. This further appraisal should be undertaken while the Main Modifications are being drafted so that consultation on them and the publication of the sustainability appraisal can take place at the same time, demonstrating that the sustainability appraisal has suitably informed the Main Modifications.

Yours sincerely

Richard E Hollox

Inspector

6 January 2014

Appendix 2: Consultation Plan



Rotherham Core Strategy



Consultation on Inspector's Main Modifications: Consultation Plan

Why are we consulting?

The Council is not able to progress towards adoption of the Core Strategy until the Inspector conducting the examination into the Core Strategy has published his final report finding that the Core Strategy is, or can be made, sound. In his preliminary findings the Inspector has indicated that in its present form the Core Strategy is not sound and recommends that a number of modifications to the plan will be required.

The Council is required to undertake public consultation on the Inspector's modifications, responses to which will be forwarded to the Inspector for his consideration in preparing his final report.

How will consultation be undertaken?

The consultation plan is set out in the table below:

<p>What is being consulted on?</p>	<p>The Council will consult on:</p> <ul style="list-style-type: none"> • A schedule of the Main Modifications recommended by the Inspector • The Sustainability Appraisal of the Main Modifications <p>Representations will be invited in relation to the Sustainability Appraisal and 'legal compliance' and 'soundness' of the Main Modifications only. It will <u>not</u> be an opportunity to repeat or raise further points about the Core Strategy, or to seek further changes.</p> <p>The Council may also make available a schedule of minor changes to the Core Strategy. These do not affect the soundness of the plan and will be published for information only, not for comment.</p>
<p>What is the consultation period?</p>	<p>Consultation will take place over a 6 week period. The timing will be dependant upon the Council receiving the draft Main Modifications from the Inspector and also the preparation of the accompanying Sustainability Appraisal. It is envisaged that consultation will start end of February / early March 2014.</p>

<p>Where will information be available?</p>	<p>The Consultation documents will be available:</p> <ul style="list-style-type: none"> • Online via the Council’s website • The documents will also be made available for inspection at all Customer Service centres and libraries in the Borough (during normal opening times)
<p>How will people be informed of the consultation?</p>	<p>The consultation will be publicised in line with previous consultation exercises via:</p> <ul style="list-style-type: none"> • Letter / email mailout to contacts on the Local Plan database. This includes key organisations, agents, members of the public, and town and parish councils. • Press notices • Press release
<p>How can people respond to the consultation?</p>	<p>Comments will be encouraged via the Council’s Local Plan online consultation website. Consultation publicity will emphasise the availability of internet access at all of the Borough’s libraries. Written comments can also be provided via the response forms which will be made available.</p>
<p>How will representations be considered?</p>	<p>All responses received will be forwarded to the Planning Inspector for his consideration in preparing his final report on the Core Strategy.</p>
<p>How will feedback be provided?</p>	<p>The Inspector will publish a final report which will be informed by the consultation responses. This will be made available on the Council’s website and a hard copy will be available for inspection at Riverside House.</p> <p>Under the Regulations the Council must inform all those consultees specifically requesting to be informed when the final report is available and where it can be viewed.</p>

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Improving Places Select Commission
2.	Date:	19th February 2014
3.	Title:	Proposed response to the Highways Agency consultation on Maximum Mandatory Speed Limit – M1 Junctions 28 to 35a
4.	Directorate:	Environment and Development Services

5. Summary

The report sets out the Council's proposed response to the Highways Agency's consultation on a maximum mandatory speed limit for the M1 Motorway between junction 28 (Mansfield) junction 35a (Chapelton).

6. Recommendations

That the Select Commission comments on the proposed response, prior to it being reported formally to Cabinet Member for approval.

7. Proposals and Details

The Highways Agency on behalf of the Department for Transport is currently progressing proposals for the implementation of the Smart Motorways Project (previously known as the Managed Motorways Project), which if implemented, will see the hard shoulder of the M1 Motorway between Junctions 28 and 31, and Junctions 32 and 35a converted to a live running lane for all traffic.

An environmental assessment has been carried out which indicates that the scheme, which has all lane running at all times could have a significant adverse effect on local air quality at sensitive receptors and at AQMAs, particularly in the Sheffield and Rotherham areas, when operating at the national speed limit and the predicted levels of traffic growth.

In order to mitigate the adverse impacts on air quality that arise from operation at the national speed limit, the Highways Agency is proposing to implement a maximum mandatory 60mph speed limit on the section of the M1 Motorway between Junctions 28 and 35a.

A consultation document <https://www.gov.uk/government/consultations/m1-junctions-28-to-35a-maximum-mandatory-speed-limit> has been sent to all Local Authorities affected by the proposals and this Council's proposed response is attached as an appendix to the report.

The Council continues to engage with The Highways Agency regarding the implementation of the Smart Motorways Project and meetings are being held with them to consider the impact on economic growth and practical elements of the scheme including operation and enforcement.

8. Finance

The proposal is being promoted by the Highways Agency for a reduced speed limit on the M1 Motorway, which forms part of the Strategic Highway Network. Consequently, there are no financial implications for the Council, should this be implemented.

9. Risks and Uncertainties

There is a risk that should the proposals not be progressed then the implementation of the Smart Motorways Project may not proceed if air quality objectives are not met.

10. Policy and Performance Agenda Implications

The Ambient Air Quality and Cleaner Air for Europe (CAFÉ) Directive 2008/50/EC is designed to establish a long term integrated strategy to tackle air pollution and to protect against its effects on human health and the environment. It was transposed into law in England by The Air Quality Standards Regulations 2010 and consolidates air quality standards and objectives set out in The Air Quality (England) Regulations

2000, Air Quality (England) (Amendment) Regulations 2002 and the Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007).

11. Background Papers and Consultation

Highways Agency – M1 Junctions 28 to 35a Maximum Mandatory Speed Limit – Consultation Document.

Contact Name : Ian Ashmore, Transportation and Traffic Manager, Streetpride Service

Extension number 22825



CONSULTATION RESPONSE FORM

M1 J28 to J35a maximum mandatory 60mph speed limit

Please complete this pro-forma and send to the address below

Andy Kirk
 Senior Project Manager
 The Cube
 199 Wharfside Street
 Birmingham
 B1 1RN

Or alternatively you can respond to the consultation by email:

m1j28-35aconsultation@highways.gsi.gov.uk

PART 1 - Information about you

Completion of this section is optional but helps with our analysis of results. A note at the end of this form explains that we may be obliged to release this information if asked to do so.

Name	Ian Ashmore
Address	Rotherham Borough Council Riverside House, Main Street, Rotherham, South Yorkshire
Postcode	S601AE
Email	ian.ashmore@rotherham.gov.uk
Company Name or Organisation (if applicable)	Rotherham Borough Council
Please tick one box from the list below that best describes you/ your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group

X	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
<p>If you are responding on behalf of an organisation or interest group, how many members do you have and how did you obtain the views of your members:</p> <p>The consultation response has been considered by the Council's Cabinet Member for Regeneration and Development in accordance with his delegated powers, and by the Council's Improving Places Select Commission, acting as the Council's scrutiny board.</p>	
<p>If you would like your response or personal details to be treated confidentially please explain why:</p>	

PART 2 - Your comments

<p>1. Do you consider that the proposal to introduce a maximum mandatory 60mph speed limit is an acceptable measure to mitigate any adverse impacts that these schemes could have on local air quality?</p>	Yes <input type="checkbox"/>	No X	
<p>Please add any comments:</p> <p>Detail is not provided particularly on why and how the proposal will manage traffic growth. If modelling demonstrates there will be a negative impact on the local highway network (ie, the transfer of traffic away from the Strategic Network) then the Council wish to register it's concerns. The proposals for Managed Motorways seeks to provide additional capacity on the Strategic Road Network yet this proposal seeks to limit that growth, therefore there appears to be an inconsistency in approach. The "No" response above therefore relates to a lack of evidence provided.</p>			
<p>2. Which of the following times of operation do you consider most acceptable?</p>			
7 days a week 24 hours per day (all day, every day)	7 days a week Daytime only (e.g. 07:00-19:00)	7 days a week Night time only (e.g. 19:00-07:00)	Other days or hours of operation (Please specify)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Monday to Friday 24 hours per day (all day Mon-Fri)	Monday to Friday Daytime only (e.g. 07:00-19:00)	Monday to Friday Night time only (e.g. 19:00-07:00)	Monday to Friday Peak hours only (a.m. and p.m.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

For the purposes of this consultation, it should be assumed that the speed limit will need to be in place for several years. However, we are not able to give an indication in this document of how many years the speed limit will need to be retained. Nevertheless, it is important to stress that the proposed speed limit will be removed as soon as the background air quality improves sufficiently to enable this.

We would be interested in your views about whether having the proposed speed limit in place for different durations would have differing impacts on you or your organisation.

3. Do you consider that different time durations (by way of example only, two or three years as opposed to seven or eight years) might affect you or your organisation differently?	Yes X	No <input type="checkbox"/>
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If yes, please give your comments:

It is likely that the proposals will restrict economic growth in Rotherham and the Sheffield City Region, therefore the lesser time period that the restriction is in place, the lesser the impact on inhibiting growth.

4. Are there any aspects of the proposal to introduce a maximum mandatory 60mph speed limit on the M1 between junctions 28 and 35a which give you concerns?	Yes X	No <input type="checkbox"/>
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If yes, please give your comments:

The proposals should only be introduced at peak periods of traffic flow, which will accord with the periods where air quality impacts are at their most critical. It is unclear why such a proposal would be required to be implemented in off peak periods, having a negative impact on economic growth in the region. Implementing the proposal in off peak periods would discourage peak spreading by making travel outside the peak less attractive, therefore potentially concentrating traffic during the peak periods.

<p>5. Are there any additional comments you would like to make about the proposal to introduce a maximum mandatory 60mph speed limit on the M1 between junctions 28 and 35a?</p>	<p>Yes X</p>	<p>No <input type="checkbox"/></p>
<p>If yes, please give your comments:</p> <p>The Managed Motorways proposal and the variable speed limits contained therein will have the same facility to set reduced speed limits, therefore it is unclear why a proposal to implement a permanent reduction in speed limit is required.</p>		

Note on disclosure of information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want any information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Highways Agency.

The Highways Agency will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Improving Places Select Commission
2.	Date:	19th February 2013
3.	Title:	Land Registry, Wider Powers and Local Land Charges
4.	Directorate:	EDS

5. Summary

This report concerns the current Land Registry consultation which may affect this Authority's Local Land Charges service.

6. Recommendations

That the Select Commission considers the proposed response and forwards any recommendations to the Cabinet Member for consideration.

7. Proposals and Details

Background and context

The consultation, **Land Registry, Wider Powers and Local Land Charges** directly affects our Local Land Charges (LLC) service, the staff and the service provided to those purchasing property within our borough.

The Land Registry (LR) is proposing to take over the statutory LLC Register and register services, whilst leaving the local authority with responsibility for completing enquiries of the local authority (form CON29), effectively splitting the interdependent service currently provided by LLC.

These proposals will, if given the go ahead, leave local authorities with reduced income without a reduction in levels of responsibility and resourcing; indeed, it is possible that the registration notification process that is introduced as a result of these proposals could result in additional burdens being placed upon local authorities.

Proposed Response

The consultation process ends on Sunday, 9 March 2014. A copy can be found in Appendix 1. The proposed response to the various questions, based on comments provided by the Local Land Charges Institute are set out below:-

WIDER POWERS

Consultation Questions 1-6

As the questions have been worded in a way that suggests acceptance of the proposed changes to the LLC service and the wider powers that the LR are seeking in their second consultation 'Introduction of a Land Registry Service Delivery Company' it is considered that general comments in relation to the proposed taking over of LLC register service are provided in the response.

LOCAL LAND CHARGES

Consultation Question 7

The original stated aims for the prototype are resolving issues of standardisation, variations in speed of service, cost and format. More recently, LR has always asserted that its proposal fully supports the Government's Digital by Default Agenda as well as the contents of the World Bank report.

However, it is considered that the LR's own research has not supported these issues as a reason for change. Land Registry's own documents shows that the LR places as much emphasis on improving its own financial position as it does on providing a better service.

Consultation Question 8

In relation to the aim of the proposed changes, to bring about reform or improvement, it is considered that this should be focused on local authorities who are failing to provide an adequate service. There is no requirement or demonstrable improvement from implementing a national service across the board as proposed.

In relation to Rotherham we provide a good standard of service and LR can have no issue as we have consistently responded to Local Land Charges (LLC1) and Con29R/O searches within 5/6 working days.

Consultation Question 9

Whilst LR appear to have considered a number of options, the rationale for dismissing other options seems to be flawed. They have also failed adequately to consider the CON29 and how this work will be completed.

Consultation Question 10

No. We do not believe there is any reason for a need for a revision. This has never been previously raised as an issue.

Consultation Question 11

No. LAs are best placed to continue undertaking these functions.

Consultation Question 12

No. This proposal portrays a fundamental lack of understanding of Local Land Charges and of the importance of the information shown on Local Authority Searches. No explanation has been given for this proposal in the consultation document, nor have its possible effects been included in the impact assessment. *N.B.* Authorities should feel free to give one or two examples of the type of charge that would be affected by this proposal.

Consultation Question 13

No. We believe the LLC function should remain within the local authority. Consequently, requests for searches of the Register should stay with the local authority.

Consultation Question 14

No. There is nothing to be gained from separating the function of originating authority and registration authority which is currently the case with the vast majority of registrations.

Consultation Question 15

No consideration has been given to sanctions on the LR should they fail to deliver the LLC service in any way.

Consultation Question 16

Yes. This just follows existing good practice.

Consultation Question 17

Yes. The existing good practice should continue.

Consultation Question 18

Electronic submission of searches is already available to businesses through the NLIS Hub and this works very well. This proposal would add nothing to the services that are already available.

Consultation Question 19

Not applicable

Consultation Question 20

No. Impact not properly assessed.

Yes. Impact missed and underestimated. Issues of concern include:

- proposal still relying on LAs for CON29 data;
- no impact assessment for the 15 year limit proposal;
- failure to assess impact of proposals on housing market and wider economy, in particular if LR fail in any way.

Consultation Question 21

It would be preferable to resource development of the LA service. It would be more cost effective to assist those LAs not yet computerised to do so. This would have the added benefit of preserving local experience and knowledge which is highly valued by the conveyancing solicitors. These LR proposals for the past 3 years have already had a detrimental effect on the development and enhancement of the electronic service by the reluctance of software suppliers to invest in an uncertain future.

Consultation Question 22

We would suggest that taking forward the Land Registry's proposal would :-

- have a negative impact on local authority i.e. resources;
- have implications for TUPE;
- financial impact;
- reliance and ability of other internal services to be able to access the LLC register; inter-dependence CON29 and LLC1;
- possible creation and reliance on an insurance market to cover off 15 year + registrations.

8. Finance

If the above proposed takeover of Land Charges goes ahead, this Authority will lose income of £20 per search (approximately £100,000 pa) but the LLC staff will be required to be retained to maintain the register and deal with CON29 searches.

9. Risks and Uncertainties

NA

10. Policy and Performance Agenda Implications

None

11. Background Papers and Consultation

Appendix 1 – Wider Powers Response Form

Contact Name : Phil Reynders

Tel extension: 23813

Email: phil.reynders@rotherham.gov.uk



Land Registry: Wider Powers and Local Land Charges consultation response form

Land Registry may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

Full name:

Organisation (if applicable):

Address:

Telephone:

Email:

Please consider the following questions and respond where appropriate. You do not need to answer all the questions.

1. Please tick the boxes below that apply;

I'm replying on behalf of:

- A regulatory or representative organisation/trade body
 - A Central Government Department
 - A local authority
 - A charity or social enterprise
 - An academic institution
 - A trade union or staff association
 - A solicitor or other conveyancer
 - A mortgage lender
 - Another property professional
 - Myself as an individual (but expressing a view as a conveyancing professional)
 - Myself as a private individual
 - Other (please describe)
-

- A large business (over 250 staff)
- A medium business (50 to 250 staff)
- A small business (10 to 49 staff)
- A micro business (up to 9 staff)

This information will help us analyse responses from different stakeholder sectors.

If you are replying on behalf of an organisation please briefly indicate how you arrived at your collective response (for example, after discussion with a policy committee).

Consultation questions

Wider Powers

Question 1: Do you agree that there is the potential to (a) streamline and bring greater efficiencies to services in the property sector and (b) introduce new services?

A) Yes No Not sure

B) Yes No Not sure

Comments:

Question 2: Do you agree that Land Registry should play a greater role in the property market by providing (a) information and register services additional to land registration services and (b) consultancy and advisory services relating to land and other property?

A) Yes No Not sure

B) Yes No Not sure

Comments:

Question 3: Do you have any suggestions as to new services Land Registry could consider?

Yes No

Comments:

Question 4: Do you agree that Land Registry should have the power to set the charges for new services?

Yes No Not sure

Comments:

Question 5: Do you agree that Land Registry's power to form, purchase or invest in companies should apply to activities carried out under Wider Powers?

Yes No Not sure

Comments:

Question 6: Do you have any other comments relating to this part of the consultation?

Comments:

Local Land Charges

Question 7: Do you have any comments about the reasons to change Local Land Charge services and do you see any benefits?

Comments:

Question 8: Do you agree with the stated perception that the current Local Land Charge services would benefit from reform?

- strongly agree
- agree
- no opinion
- disagree
- strongly disagree

Please provide comments to support your views:

Question 9: Do you think Land Registry has considered all feasible options?

Yes No

Please provide comments to support your views:

Question 10: Do you agree that the definition of a Local Land Charge requires simplification?

Yes No

Please provide comments to support your views:

Question 11: Do you agree that sections 3, 4 and 5 of the Local Land Charges Act 1975 should be amended as proposed?

- strongly agree
- agree
- no opinion
- disagree
- strongly disagree

Please provide comments to support your views:

Question 12: Do you agree that Land Registry will provide Local Land Charge searches for a limited period going back 15 years?

Yes No

Please provide comments to support your views:

Question 13: Do you agree that sections 8 and 9 of the Local Land Charges Act 1975 should be amended as proposed?

- strongly agree
- agree
- no opinion
- disagree
- strongly disagree

Please provide comments to support your views:

Question 14: Should Land Registry take over the Local Land Charge registration functions of local authorities?

- Yes
- No

Please provide comments to support your views:

Question 15: Can you suggest other areas that could be considered under the proposed protocols?

Comments:

Question 16: Do you agree that a record of appropriate dates relating to the creation of a Local Land Charge will be required in order that Land Registry can accurately maintain a Local Land Charges Register?

- Yes
- No

Please provide comments to support your views:

Question 17: Do you agree that Land Registry should retain the option to insure against claims and provide compensation when a claim is valid?

Yes No

Please provide comments to support your views:

Question 18: Do you think an electronic process and providing digital information through a single registering authority will provide business with tangible benefits by being able to make LLC1 search applications by a method other than paper?

Comments:

Question 19: Do you think you will need to make changes to your internal processes to make LLC1 search applications through LR channels?

Comments:

Question 20: Has Land Registry correctly assessed the impact of its proposals on members of the public and businesses? Do you consider that Land Registry has missed or under-estimated any substantive impacts? If so, what are the nature and scale of these impacts?

Comments:

Question 21: Do you think that any other approaches to improving the provision of Local Land Charge searches should be explored? If so, what are these? What would be the comparative advantages and disadvantages of any such approaches?

Comments:

Question 22: Do you have any further comments relating to this part of the consultation?

Yes No

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Comments:

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge my reply