

Agenda

For enquiries on this agenda, please contact:

Matthew Stickley

tel: 020 8547 5698

e-mail: matthew.stickley@kingston.gov.uk

Published on 25 July 2019



THE ROYAL BOROUGH OF
KINGSTON
UPON THAMES

Scrutiny Panel

Date: Tuesday 30 July 2019

Time: 7:00 pm

Place: Guildhall, Kingston upon Thames

Members of the Committee

Councillor Kevin Davis (Chair), Councillor Rowena Bass (Vice Chair), Councillor Patricia Bamford, Councillor Simon Edwards*, Councillor Ian George**, Councillor John Sweeney and Councillor Yogan Yoganathan

* Councillor Mark Beynon to act as substitute

** a Councillor is to act as a substitute as Councillor George sat on the originating committee of one of the decisions referred to the Community Call-In procedure. This Councillor will be confirmed at the meeting of the Scrutiny Panel.

Everyone is welcome to attend the meeting

This agenda is available to view on: www.kingston.gov.uk

You can also access this agenda through the Modern.gov app or by scanning the QR code with your smartphone.



AGENDA

1. Apologies for Absence

2. Declarations of Interest

3. Minutes

To confirm the minutes of the last meeting of the Scrutiny Panel (27 March 2019) as a true and accurate record.

4. Scrutiny Panel Procedure

To agree a procedure for the Community Call-Ins. A suggested procedure for both Community Call-Ins is below. However, the procedure of the meeting is at the discretion of the Scrutiny Panel

1. A representative of those named in the Community Call-In to address the Scrutiny Panel and present the Community Call-In;
 - a. Other representatives to address the Scrutiny Panel at the discretion of the Chair only
2. Questions from the Scrutiny Panel to the Community Call-In representative(s)
3. Member(s) responsible for the decision to address the Scrutiny Panel and present the response to the Community Call-In;
 - a. Other members of the originating committee and/or officers to address the Scrutiny Panel at the discretion of the Chair only
4. Questions from the Scrutiny Panel to the member(s) responsible for the decision
5. Questions to the Community Call-In representative(s) from:
 - a. the member(s) responsible for the decision; and
 - b. the Scrutiny Panel
6. Questions to the member(s) responsible for the decision from:
 - a. the Community Call-In representative(s); and
 - b. the Scrutiny Panel
7. Final comments from the representative(s) of those calling in the decision
8. Final comments from member(s) responsible for the decision
9. Debate and decision by the Scrutiny Panel

5. Community Call-In of Community Engagement Framework **Appendix A**

To report the Community Call-In of the Community Engagement Framework, as agreed by the Community and Engagement Committee on 12 July 2019.

6. Community Call-In of Housing Delivery Action Plan **Appendix B**

To report the Community Call-In of the Housing Delivery Test Action Plan, as agreed by Strategic Housing and Planning Committee on 19 July 2019.

7. Exclusion of the Press and Public

The following resolution is included as a standard item which will only be relevant if any exempt matter is to be considered at the meeting for which the Committee wish to resolve to exclude the press and public:

To exclude the public from the meeting under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it is likely that exempt information, as defined in paragraph X of Part I of Schedule 12A to the Act, would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8. Urgent Items Authorised by the Chair

Welcome to this meeting.

Notice of Webcast

This meeting is being filmed for live and subsequent recorded broadcast via the Council's website. The images and sound recording may also be used for training purposes within the Council. Generally the public seating areas are not filmed. However, the layout of the room means that the Council is unable to guarantee a seat/location that is not within the coverage area (images and sound) of the webcasting equipment.

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

Running order

Are you here for a particular item? Items may be taken in a different order depending on the interests of the members of the public present at the meeting. Please fill out a green form at the start of the meeting and hand this to the Democratic Services Officer if you would like to request that a particular item is heard earlier in the meeting.

Taking part in the meeting

During the course of the meeting, the Chair, at his/her discretion, may allow contributions, on items listed on the agenda. To attract the Chair's attention, please raise your hand.

Speaking at meetings

Speaking at a meeting can be a daunting prospect and every effort is made to make this as easy as possible. Speech friendly arrangements will take account of people who may have a speech impairment, e.g. they may have a stammer. If you have any individual requirements or feel that standing or addressing the meeting may present a difficulty, please let us know beforehand. Arrangements will be made to help you as far as reasonably possible.

More meeting information

Accessibility

- All meetings have access for people who may have mobility difficulties. If there are stairs, a lift or stairlift is available. Disabled parking spaces are available on-site.
- Toilet facilities will be easily accessible from the meeting room.
- For people who are deaf or have hearing impairments, there is an induction loop (depending on the building, this may only be available in the first 2 or 3 rows).
- **A large print copy of the agenda can be requested in advance.**

Emergency evacuation arrangements

If the fire alarm sounds, please leave the building by the nearest exit. If you require assistance, please remain seated and an Officer will assist you from the building.

Filming

Residents and journalists/media wishing to film meetings are permitted to do so but are asked to give advance notice of this and respect any concerns expressed by people on being filmed.

Interests

Councillors must say if they have an interest in any of the items on the agenda. Interests may be personal or pecuniary. Depending on the interests declared, it might be necessary for the Councillor to leave the meeting. The detail on interests is in Part 5A of the Constitution - Members' Code of Conduct.

Minutes

The minutes briefly summarise the item and record the decision. They do not record who said what during the debate.

Scrutiny Panel

30 July 2019

Community Call-Ins of

1. **Community Engagement Framework - Community and Engagement Committee - 12 July 2019**
2. **Housing Delivery Test Action Plan - Strategic Housing and Planning Committee - 19 July 2019**

Report by Assistant Director, Governance and Law (Monitoring Officer)

Purpose

To report the Community Call-Ins, under Part 4C of the Constitution of the Royal Borough of Kingston upon Thames, of:

1. The **Community Engagement Framework**, as agreed by the Community and Engagement Committee on 12 July 2019, which sets out a framework for the council undertaking community engagement and a standard by which such engagement can be measured; and
2. The **Housing Delivery Test Action Plan**, as agreed by the Strategic Housing and Planning Committee on 19 July 2019, which analyses current housing delivery in the borough and identifies measures to address the shortfall in delivery over the last three years.

Recommendation

The Scrutiny Panel is **RECOMMENDED** to determine how it wishes to individually respond to the Community Call-ins through selection of one of the two options below.

The Scrutiny Panel should note that it is to make separate and unrelated decisions for each of the two Community Call-In items.

The options for the Scrutiny Panel to decide each of the items raised through the Community Call-In procedure are to:

1. **REJECT** the request for the Community Call-In, in which instance the original decision of the relevant Committee is effective immediately and may proceed to implementation; or
2. **AGREE**, partially or wholly, with the reasons for the Community Call-In and ask the originating Committee to review and/or make revisions to its decision.

Key Points

The decision of the Community and Engagement Committee on 12 June 2019 was to **AGREE** that:

- the proposed draft framework for community engagement set out at Annex 1 [of the report to the Community and Engagement Committee] is endorsed;
- there is further online consultation and discussion at neighbourhood committees to shape the framework;
- the Director, Communities is authorised to amend the framework following consultations with the Co-Chairs and the relevant opposition spokesperson;
- the framework is published on the Council website by the end of September 2019*;
- a report is submitted to the Committee in February 2020 to update on progress and feedback on the framework; and
- that the further consultation mentioned in paragraph 15 is to continue through neighbourhood committees until the end of September 2019 rather than July 2019 as stated in the report**.

*amended from 'August' in report

**amendment added at committee

The decision of the Housing Delivery Test Action Plan on 19 June 2019 was to **RESOLVE** that:

- the basis of the Housing Delivery Test Action Plan (Annex 1) for publication by August 2019 be approved;
- the use of the word 'speedy' in paragraph 3.11 of Annex 1 be amended to the word 'efficient'; and
- any minor amendments be delegated to the Assistant Director of Strategic Planning & Infrastructure in consultation with the Co-Chairs of the Strategic Housing and Planning Committee and Opposition Spokesperson.

Community Engagement Framework

1. On 26 June 2019, a Community Call-In of the Community Engagement Framework as agreed by the Community and Engagement Committee of 12 June 2019 was received, with 100 signatures.
2. Following consideration by the Monitoring Officer, further information was requested of the originator of the Community Call-In.
3. This information was provided within five working days and the Monitoring Officer approved the Community Call-In as valid on 8 July 2019.
4. *“WE, the undersigned, being those who live, work or study in the Royal Borough of Kingston upon Thames, hereby call in all decisions of item 6 of the Community and Engagement Committee held on 12th June 2019, ‘Community Engagement Framework’ for the following reasons:*
 - *- Members of the public were not able to contribute to this item, as the co-chairs refused to allow those who ‘hadn’t submitted a green slip’ to speak, despite allowing them to on other items, bringing into question whether the decision-making was sound - particularly given this item was all about community engagement(!);*
 - *- The committee wanted to engage with people ‘who don’t normally engage with the council’, so the notion that this will be achieved through a consultation portal which doesn’t meet government guidelines on domains as well as neighbourhoods is laughable and inadequate - consultation must be wider;*
 - *- There is no basis for the consultation - no drafted questions, no concrete timescales, which did not allow for any evidence-based decision making as the councillors had no idea what form the engagement would take;*
 - *- Paragraph 22 of the report states the ‘framework will comply with equalities best practice’ - not law? This is wholly inadequate, as equalities legislation exists for a reason;*
 - *- No risk assessment has been completed, despite officers’ promise to send this to residents post-committee. It has now been admitted no risk assessment has been completed, which is a major flaw;*
 - *- No equalities analysis has been undertaken on the impact of an ‘online’ consultation and neighbourhood committee meeting. We have many disabled residents in this borough who may have restricted mobility and no access to the internet. Before this is consulted upon, a thorough analysis must be undertaken in order to ensure that the consultation is accessible to all; and*
 - *- The framework is in no way resident-friendly, and a first-class attempt at corporate jargon. Residents deserve better than this in understanding how the council will engage with them.”*

5. The response to the Community Call-In of the Community Engagement Framework as agreed by the Community and Engagement Committee of 12 June 2019 can be found at **Annex 1**.

Housing Delivery Test Action Plan

6. On 2 July 2019, a Community Call-In of the Housing Delivery Test Action Plan as agreed by the Strategic Housing and Planning Committee of 19 June 2019 was received with approximately 150 signatures. It was validated by the Monitoring Officer on 3 July 2019.
7. Due to the length of the Community Call-In, it is attached at **Annex 3**. Given the formatting of the Community Call-In, the text has been reformatted in the Officer Response at **Annex 2**, although the content of the Community Call-In has not been substantively altered.

Legal Implications

8. Should the matter be referred to Council for further consideration, any legal matters arising will be covered in the report for the Council meeting.

Background papers

Held by the author of the report:

Matthew Stickley, Democratic Services Officer and Clerk to the Scrutiny Panel

tel: 020 8547 5698

email: matthew.stickley@kingston.gov.uk

Scrutiny Panel

30 July 2019

Response to Community Call-In of:**1. Community Engagement Framework - Community and Engagement Committee - 12 July 2019**

**Text of Community Call-In at numbered paragraphs below.
Text of response can be found at paragraph indentations.**

1. WE, the undersigned, being those who live, work or study in the Royal Borough of Kingston upon Thames, hereby call in all decisions of item 6 of the Community and Engagement Committee held on 12th June 2019, 'Community Engagement Framework' for the following reasons:
 - a. **No officer comment**

2. Members of the public were not able to contribute to this item, as the co-chairs refused to allow those who 'hadn't submitted a green slip' to speak, despite allowing them to on other items, bringing into question whether the decision-making was sound - particularly given this item was all about community engagement(!);
 - a. **Members of the public did contribute to this item (https://kingston.public-i.tv/core/portal/webcast_interactive/418535 approximately 00:50:00-01:03:45 of the broadcast).**
 - b. **The use of green slips is favoured by committees to allow for agenda modification, the preparation of responses, and to avoid duplication of questions.**
 - c. **After a member of the public called from the public gallery asking to speak on this item, the Chair declined to return to the public questions section of the item and advised the petitioner that he could 'fill in a green slip [to be able to] ask a question on the next item [on the agenda]' (01:06:50).**
 - d. **Ultimately, the Chair of a committee has discretion over public contributions at meetings. The Chair did not act improperly in this instance.**

3. The committee wanted to engage with people 'who don't normally engage with the council', so the notion that this will be achieved through a consultation portal which doesn't meet government guidelines on domains as well as neighbourhoods is laughable and inadequate - consultation must be wider;
 - a. **This framework does not require a formal statutory consultation process. As well as asking for views through the portal and the neighbourhood committees, the framework was being sent to partners, including voluntary and community groups (which includes disability**

- groups), for engagement. These plans had started but have been paused as a result of this Community Call-In.
- b. **Local authorities use a range of domain names on portals to facilitate consultation and engagement. These are often accessed through local authority GOV.uk sites and are clearly branded as being part of the appropriate local authority. This is the case with the *Kingston's Let's Talk* site.**
4. There is no basis for the consultation - no drafted questions, no concrete timescales, which did not allow for any evidence-based decision making as the councillors had no idea what form the engagement would take;
- a. **The timescales were clear with the framework to be published online by the end of September. The draft questions do not need to come to committee as this is not a formal statutory consultation.**
5. Paragraph 22 of the report states the 'framework will comply with equalities best practice' - not law? This is wholly inadequate, as equalities legislation exists for a reason;
- a. **'Best practice' includes the law as regards equalities legislation.**
6. No risk assessment has been completed, despite officers' promise to send this to residents post-committee. It has now been admitted no risk assessment has been completed, which is a major flaw;
- a. **The initial risk assessment of the outline framework stands as in the report - The risk of not doing this would limit our ability to engage as widely as possible and 'hardwire' engagement in all we do.**
- b. **This is the overriding risk in that the framework provides guiding principles and a consistency of approach to guide how the council engages with communities.**
- c. **When individual business cases are required for activities outlined in the framework, these would include individual risk assessments.**
7. No equalities analysis has been undertaken on the impact of an 'online' consultation and neighbourhood committee meeting. We have many disabled residents in this borough who may have restricted mobility and no access to the internet. Before this is consulted upon, a thorough analysis must be undertaken in order to ensure that the consultation is accessible to all; and
- a. **In line with the statement above about best practice and equalities legislation we would ensure - as we always do - that the consultation is accessible. This is not a statutory consultation.**

8. The framework is in no way resident-friendly, and a first-class attempt at corporate jargon. Residents deserve better than this in understanding how the council will engage with them.

- a. **This is opinion and these comments along with suggestions for improvement can be included in the consultation that is currently paused, dependent on the outcome of the Community Call-In.**

Authors of Officer Response

Louise Footner, Assistant Director, Culture, Communities and Engagement

Email: louise.footner@kingston.gov.uk

Tel: 020 8547 5228

Matthew Stickley, Democratic Services Officer and Clerk to the Community and Engagement Committee

Email: matthew.stickley@kingston.gov.uk

Tel: 020 8547 5698

Scrutiny Panel

30 July 2019

Community Call-Ins of

1. **Community Engagement Framework - Community and Engagement Committee - 12 July 2019**
2. **Housing Delivery Test Action Plan - Strategic Housing and Planning Committee - 19 July 2019**

Report by Assistant Director, Governance and Law (Monitoring Officer)

Purpose

To report the Community Call-Ins, under Part 4C of the Constitution of the Royal Borough of Kingston upon Thames, of:

1. The **Community Engagement Framework**, as agreed by the Community and Engagement Committee on 12 July 2019, which sets out a framework for the council undertaking community engagement and a standard by which such engagement can be measured; and
2. The **Housing Delivery Test Action Plan**, as agreed by the Strategic Housing and Planning Committee on 19 July 2019, which analyses current housing delivery in the borough and identifies measures to address the shortfall in delivery over the last three years.

Recommendation

The Scrutiny Panel is **RECOMMENDED** to determine how it wishes to individually respond to the Community Call-ins through selection of one of the two options below.

The Scrutiny Panel should note that it is to make separate and unrelated decisions for each of the two Community Call-In items.

The options for the Scrutiny Panel to decide each of the items raised through the Community Call-In procedure are to:

1. **REJECT** the request for the Community Call-In, in which instance the original decision of the relevant Committee is effective immediately and may proceed to implementation; or
2. **AGREE**, partially or wholly, with the reasons for the Community Call-In and ask the originating Committee to review and/or make revisions to its decision.

Key Points

The decision of the Community and Engagement Committee on 12 June 2019 was to **AGREE** that:

- the proposed draft framework for community engagement set out at Annex 1 [of the report to the Community and Engagement Committee] is endorsed;
- there is further online consultation and discussion at neighbourhood committees to shape the framework;
- the Director, Communities is authorised to amend the framework following consultations with the Co-Chairs and the relevant opposition spokesperson;
- the framework is published on the Council website by the end of September 2019*;
- a report is submitted to the Committee in February 2020 to update on progress and feedback on the framework; and
- that the further consultation mentioned in paragraph 15 is to continue through neighbourhood committees until the end of September 2019 rather than July 2019 as stated in the report**.

*amended from 'August' in report

**amendment added at committee

The decision of the Housing Delivery Test Action Plan on 19 June 2019 was to **RESOLVE** that:

- the basis of the Housing Delivery Test Action Plan (Annex 1) for publication by August 2019 be approved;
- the use of the word 'speedy' in paragraph 3.11 of Annex 1 be amended to the word 'efficient'; and
- any minor amendments be delegated to the Assistant Director of Strategic Planning & Infrastructure in consultation with the Co-Chairs of the Strategic Housing and Planning Committee and Opposition Spokesperson.

Community Engagement Framework

1. On 26 June 2019, a Community Call-In of the Community Engagement Framework as agreed by the Community and Engagement Committee of 12 June 2019 was received, with 100 signatures.
2. Following consideration by the Monitoring Officer, further information was requested of the originator of the Community Call-In.
3. This information was provided within five working days and the Monitoring Officer approved the Community Call-In as valid on 8 July 2019.
4. *“WE, the undersigned, being those who live, work or study in the Royal Borough of Kingston upon Thames, hereby call in all decisions of item 6 of the Community and Engagement Committee held on 12th June 2019, ‘Community Engagement Framework’ for the following reasons:*
 - *- Members of the public were not able to contribute to this item, as the co-chairs refused to allow those who ‘hadn’t submitted a green slip’ to speak, despite allowing them to on other items, bringing into question whether the decision-making was sound - particularly given this item was all about community engagement(!);*
 - *- The committee wanted to engage with people ‘who don’t normally engage with the council’, so the notion that this will be achieved through a consultation portal which doesn’t meet government guidelines on domains as well as neighbourhoods is laughable and inadequate - consultation must be wider;*
 - *- There is no basis for the consultation - no drafted questions, no concrete timescales, which did not allow for any evidence-based decision making as the councillors had no idea what form the engagement would take;*
 - *- Paragraph 22 of the report states the ‘framework will comply with equalities best practice’ - not law? This is wholly inadequate, as equalities legislation exists for a reason;*
 - *- No risk assessment has been completed, despite officers’ promise to send this to residents post-committee. It has now been admitted no risk assessment has been completed, which is a major flaw;*
 - *- No equalities analysis has been undertaken on the impact of an ‘online’ consultation and neighbourhood committee meeting. We have many disabled residents in this borough who may have restricted mobility and no access to the internet. Before this is consulted upon, a thorough analysis must be undertaken in order to ensure that the consultation is accessible to all; and*
 - *- The framework is in no way resident-friendly, and a first-class attempt at corporate jargon. Residents deserve better than this in understanding how the council will engage with them.”*

5. The response to the Community Call-In of the Community Engagement Framework as agreed by the Community and Engagement Committee of 12 June 2019 can be found at **Annex 1**.

Housing Delivery Test Action Plan

6. On 2 July 2019, a Community Call-In of the Housing Delivery Test Action Plan as agreed by the Strategic Housing and Planning Committee of 19 June 2019 was received with approximately 150 signatures. It was validated by the Monitoring Officer on 3 July 2019.
7. Due to the length of the Community Call-In, it is attached at **Annex 3**. Given the formatting of the Community Call-In, the text has been reformatted in the Officer Response at **Annex 2**, although the content of the Community Call-In has not been substantively altered.

Legal Implications

8. Should the matter be referred to Council for further consideration, any legal matters arising will be covered in the report for the Council meeting.

Background papers

Held by the author of the report:

Matthew Stickley, Democratic Services Officer and Clerk to the Scrutiny Panel

tel: 020 8547 5698

email: matthew.stickley@kingston.gov.uk

Scrutiny Panel

30 July 2019

Officer response to Community Call-In of:**2. Housing Delivery Test Action Plan - Strategic Housing and Planning Committee
- 19 July 2019**

**Text of Community Call-In at numbered paragraphs below.
Text of response can be found at paragraph indentations.**

Please find below the full text of the above Community Call-In.

Please note there have been minor amendments made to correct punctuation for the panel's ease of reading. Moreover, references contained within the text of the call-in have been set as footnotes. No substantive changes whatsoever have been made to the text of the call-in.

The Community Call-In in its original format is attached at **Annex 3**.

SUMMARY [from author of Community Call-In]

1. 100 signatures are needed by Tuesday in order to challenge the council's decision.
 - a. Acknowledged**
2. The Government has introduced a Housing Delivery Test (HDT) to determine whether local areas are building enough homes to meet housing needs.
 - a. Officers acknowledge that this statement is correct**
3. Kingston Council states that its Housing Delivery Test Action Plan ("HDTAP"), analyses current housing delivery in the borough and identifies measures to address the shortfall in delivery over the last three years.
 - a. This statement is correct, as identified and required in latest government planning guidance.**
4. However, the HDTAP is also being used to speed up the planning process for Kingston's future development programme.
 - a. In 2018 the Housing Delivery Test (HDT) was introduced into the planning system as part of the new National Planning Policy Framework.**
 - b. As required by government guidance, the Housing Delivery Test Action Plan has a primary aim of speeding up housing delivery in the borough in the coming years.**

5. The future development programme envisages the building of 55,000 new homes in 22 years, a far cry from the 1,381 that was our target over the last three years.
 - a. **The new housing targets and development programme originate from the draft new London Plan, which local authorities are required to adopt and take forward.**
 - b. **The Council objected to these targets at the recent London Plan Examination in Public; we await the final version of the London Plan with adopted housing targets.**

6. The HDTAP says nothing about how the council will protect existing homes across the Borough or about the effect of an accelerated large-scale development on existing communities, neighbourhoods or the environment; nor does it say how officers' new delegated powers to buy properties with a value of less than £1 million across the Borough will be used to facilitate land assembly for accelerated housing delivery, or what constitutes "exceptional circumstances" for the use of Compulsory Purchase Orders.
 - a. **These issues will be addressed through the authority's emerging Local Plan, which will examine all matters relating to spatial planning within the borough.**
 - b. **The Housing Delivery Test Action Plan is a different plan entirely, the primary and more limited purpose of which is to identify existing shortfalls in housing delivery and measures to speed up the delivery rate.**

7. I believe that the council has failed to 'robustly challenge' the housing targets agreed by the previous administration with the Mayor of London, and is moving forward fast with unsound and undemocratically agreed plans. It is now up to us, as local residents, to make sure what happens in Kingston is in the interests of the residents who have chosen the Borough as their home and is not pushed through in hidden and confused agendas. We must act now to bring these plans back to a scrutiny panel for proper investigation."¹
 - a. **The Council has objected to and robustly challenged the new housing targets through the London Plan Examination in Public. The Council submitted its written evidence and attended the examination to present this evidence, along with a number of other like-minded boroughs.**

The

8. The Strategic Housing and Planning Committee of Kingston Council approved the Borough's Housing Delivery Test Action Plan on 19th June 2019 as Decision One.
 - a. **Acknowledged**

9. We, the undersigned, call in Decision One of the Strategic Housing and Planning Committee on 19 June 2019 to approve the basis of the Housing Delivery Test Action Plan for publication by August 2019 for the following reasons:
 - a. **Acknowledged**

10. The HDTAP does not simply address how the Council will address the shortfall in delivery over the last three years. It suggests measures to speed up the planning process for what will be a development programme that is many times bigger than the target we were set over the last three years.
 - a. **As required by government guidance, Kingston's Housing Delivery Test Action Plan aims to speed up housing delivery in the borough in response to the shortfall over the last three years.**
 - b. **The Action Plan sets out a range of measures that the Council is progressing to address low rates of housing delivery, including a process to monitor implementation.**
 - c. **A number of areas have been identified where specific action can be taken, as identified in Section 3 of the Plan.**

11. The HDTAP does not give clear and complete information about the Borough's future housing targets for the delivery of which the proposed Action Plan will apply. The actual housing targets for Kingston until 2041 are set out in the London Plan and the Strategic Housing Land Availability Assessment ("SHLAA") as 55,317. It does not explain why Kingston is expected to deliver housing to accommodate four times its forecast population growth. Population growth in the Borough is forecast to be 34,000 as of May 2019. This is an increase from 23,000 from November 2019.
 - a. **Section 2 of Kingston's Housing Delivery Test Action Plan identifies the borough's current and future housing targets. The Local Plan is likely to provide a fuller explanation regarding the origins and nature of the housing targets.**
 - b. **The HDTAP does not attempt to explain how the borough can accommodate or support delivery of all new homes up to 2041 since this is a matter for the emerging Local Plan.**

12. in paragraph 2.13, the report to council confuses the unaffordable prices of homes which are vacant and available in Kingston with the need to create more supply for local people: "Even if population projections drop, there is now such a backlog of need (such as young adults unable to move into their own home) we still need to significantly increase housing numbers."
 - a. **The statement is correct. There is already a known significant backlog of housing need, as demonstrated, for example, by the large proportion of**

young adults still living at home with their parents/carers, unable to get on the property ladder.

13. Having previously stated that they are against the London Plan's small sites targets, the Council now appear actively to support them by giving: "appropriate support to development partners in the progression of small sites within the borough in line with latest London Plan aspirations and associated accelerated housing targets"
- a. It is acknowledged that the Council has previously objected to the London Plan's small sites targets, for which we await the outcome of the London Plan Examination in Public.**
 - b. In the meantime, and in response to the London Plan and government guidance on the production of Housing Delivery Test Action Plans (for boroughs failing to meet their housing targets), Kingston investigates all potential opportunities for increasing housing delivery in the borough.**
14. The HDTAP and the accompanying report confuses the need to meet old housing targets with the need or desire to meet grossly inflated future housing targets that may well compromise quality and have a detrimental effect on existing communities. The HDTAP and accompanying report do not explain how the Borough can accommodate or support delivery of 55,000 new homes in 22 years when it has only delivered 75% of its existing housing target of 1,381 homes over the last three years“, nor does it relate the scale of development planned in any way with any desire or need to minimise the impact of development on existing communities or on the environment.
- a. The Housing Delivery Test Action Plan is clear about both existing and new housing targets, the details of which are set out in Section 2 of the plan.**
 - b. The HDTAP acknowledges the relatively low housing delivery rates of recent years (as set out in Section 2) and identifies a range of measures that the Council is progressing to address these low rates (Section 3).**
 - c. The HDTAP does not attempt to explain how the borough can accommodate or support delivery of 55,000 homes in 22 years since this is a matter for the emerging Local Plan.**
 - d. As detailed in the response to question 6, issues relating to the need to minimise the impact of development on existing communities and the environment will be also be addressed through the authority's Local Plan, which will examine all matters relating to spatial development within the borough. The Local Plan will assess how the borough is able to accommodate the required number of new homes without compromising build quality.**

15. Base 1364x22, plus 16,309 with CR2 or improved infrastructure, plus a minimum 9000 with "opportunity area" status.²

a. Noted

16. "When measured against the new Housing Delivery Test, Kingston's delivery rate is 75% over the three year period 2015/16 to 2017/18: Kingston delivered a total of 1,042 homes during this period against a target of 1,381 units, resulting in a shortfall of 339 units."

Taken from:

<https://modern.gov.kingston.gov.uk/documents/g8704/Public%20reports%20pack%20Wednesday%2019-Jun-2019%2019.30%20Strategic%20Housing%20and%20Planning%20Committee.pdf?T=10>

a. Acknowledged

17. The council states that it is working on an Action Plan for Kingston Town Centre but no detail is given of what the consequences or objectives of the plan will be. Also, what about everywhere else in the Borough?

- a. The Council is working on an Action Plan for Kingston town centre to help support and manage housing growth (and other development) in the area. Kingston is the largest town centre in the borough with significant growth already starting to occur in and around it.**
- b. Other town centres are likely to be assessed as part of the development of the Local Plan which will cover the whole of the borough.**

18. The HDTAP does not relate the scale of development planned, especially in so far as it affects the delivery of affordable or social housing, with any desire to retain existing housing. In paragraph 1.11 of Annex One, it obliquely refers to Cambridge Road Estate ("CRE") – "opportunities to update and renew Council-owned stock for a range of local needs" - but does not mention that the majority of the huge number of extra housing units in the planned "redevelopment" of the CRE will be for private sale and may well not be affordable to local people.

- a. The proposed development of Cambridge Road Estate will be mixed tenure including new homes for council rent, shared ownership and private sale. Residents are currently being consulted on the masterplan and final mix will not be fixed until this process is complete.**
- b. The current assumption is that the private element will be no more than 60% of the overall homes with an aspiration to reduce this to 50% should viability allow.**

19. The HDTAP mentions for the first time in any Local Plan evidence documents that the Borough might get "areas of intensification" as well as "opportunity areas". This would result in even greater development over an even wider area and has never been mentioned before. It is a bit like the Direction of Travel – introducing something in vague terms so residents do not see it coming
- a. **The Council has mentioned that these areas may come to the borough, but is unable to give a definitive position statement at this time. This is because such matters are under the control of the Greater London Authority through the writing of the London Plan, which is still currently in a draft state.**
 - b. **Once we have further information (for example, through the final version of the London Plan) then we will be in a position to provide a more precise position statement in our policy documents.**
20. The document does not mention how new officer powers to purchase any property in the Borough with a value of up to £1 million without scrutiny or explain in detail how Compulsory Purchase Orders will be used in order to help deliver such large housing targets and speed up the planning process
- a. **As stated in the Housing Delivery Test Action Plan, the Council will only consider the use of Compulsory Purchase Powers and new powers to purchase property in exceptional circumstances where appropriate and necessary to achieve timely and realistic comprehensive development, working with key stakeholders.**
 - b. **This will only be considered when extensive discussions/negotiations have reached an unsuccessful conclusion. This would be part of a proactive approach to land assembly to address local difficulties in the land market and best use of public sector owned land.**
21. The HDTAP does not mention the importance of the scrutiny of viability assessments as a vital aspect of the development management process because of the important implications that viability assessments have on the delivery of affordable housing and other public benefits.
- a. **It is acknowledged that this matter is a relevant consideration, however, it is not a matter for detailed investigation in the Housing Delivery Test Action Plan. The matter will be investigated in greater depth through the writing of other Council policy and strategy documents.**
22. The document does not address the fact that the delivery of expensive infrastructure and affordable housing contributions affect the viability and deliverability of schemes nor of how this can have a significant effect on the housing that is delivered. This is particularly important given the Council in its LIP3 Borough Transport Strategy and its Strategic Environmental Assessment (which should have been integral to the LIP3 but has only just finished consultation even though the LIP3 has already been approved) appears to offer no alternative to improved transport infrastructure in the Borough to CrossRail 2 apart from additional buses and improvements to existing stations.

- a. **It is acknowledged that these matters are relevant considerations, however, they are not matters for detailed investigation in the Housing Delivery Test Action Plan. These matters will be investigated in greater depth through the writing of Kingston's new Local Plan and other planning and strategy documents.**

23. In the section on Improving the Planning Process, the HDTAP talks only of speeding up or streamlining planning application processes, including introducing a fast track system, and never about the need to ensure quality housing is delivered, that existing communities and the environment are protected and that existing housing, especially affordable housing, is retained.

- a. **Adopted Council housing policies will always seek to ensure the delivery of quality housing and the protection of existing communities and the environment, and also retention of existing housing including affordable housing. These matters will be assessed in detail through the writing of Kingston's emerging Local Plan rather than through the Housing Delivery Test Action Plan.**

24. In two places, the HDTAP says that the speeding up of housing delivery will have a "significant benefit to the community" but does not give reasons for the statement. Indeed, the primary objective of the document is stated as: "speeding up housing delivery in the borough. This will be a significant benefit to the community since there is a need to see a step change in building more homes in the borough to meet the needs of residents.". This is a circular and therefore meaningless assertion. The document does not lay out any benefits at all to the community of accelerating such a massive development programme.

- a. **There is an identified shortfall in housing provision in the borough, and the wider London area, with significant new home building being identified as a specific requirement.**
- b. **The faster delivery of new housing will, therefore, be of benefit to many local people who are currently seeking a home in the borough. For example, there are a large number of young adults in the borough who are still living with their parents/carers because they are unable to buy a first property due to the housing shortage and high property prices. The speeding up of housing delivery will assist in relieving this situation.**

25. The document does not mention any need for public consultation and engagement when it considers the specific approaches it is considering taking to the planning process and to determining planning applications. The only reference to community engagement is that the Council will hold "conversations" with residents and other stakeholders in the short term "regarding the Council's role in housing delivery as part of the borough's wider housing strategy". This is far too vague and does not provide any comfort that residents will have any say in the type and scale of developments that are permitted in the Borough.³

- a. **Acknowledging the very short timescales imposed on local authorities for Action Plan production (publication is required by 19 August 2019), Section 4 of the Action Plan identifies that the Council welcomes suggestions on any future actions to help increase housing delivery in the Borough.**
- b. **Following the production of this first Action Plan, and anticipating annual reviews, we will welcome engagement with interested stakeholders through the implementation of the Action Plan.**

26. Many statements do not make sense and are not substantiated, such as "step change in building more homes" will "meet the need of...residents" and the assertion that speeding up housing delivery is "essential to ensure the health and well being of Kingston's residents and visitors since significant new home building has been identified as a specific requirement"

- a. **Please refer to the response to question 24.**

27. The Risk Assessment of the KDTAP is non-existent. The risks of accelerating delivery of housing on a development programme on the scale planned are massive. This section states that there is a risk of not completing a HDTAP but does not actually state the consequences of non-compliance. Perhaps they are worth bearing in order to avoid the consequences of accelerating a massive development programme on the Borough without due consideration of the effects of so doing?

- a. **Please refer to the response to question 4.**
- b. **Additionally, there are risks associated with not publishing a Housing Delivery Test Action Plan, in particular that the Council would not fulfil its duties to produce an Action Plan.**
- c. **Up-to-date policy documents provide improved guidance, clarity, and certainty for all interested parties. In particular, the HDTAP will assist with progression of new Local Plan housing policies.**

28. The Equalities Impact Assessment gives no evidence that the HDTAP – in agreeing the accelerated delivery of a massive development programme - meets the requirements of The Equalities Act 2000. In particular, "good relations" is not an Equalities Act requirement. And there is nothing on how the HDTAP will affect people with disabilities for example.

- a. **As identified in the Action Plan, an Initial Equalities Impact Assessment has been undertaken and the Council will ensure, through this process, full compliance with the Equality Act 2010.**
- b. **It will ensure the following:**
 - i. **eliminating discrimination and promoting equality of opportunity and good relations.**
- c. **The HDT Action Plan seeks to provide housing for all groups of people and is inclusive.**
- d. **A full Equalities Impact Assessment will be undertaken as part of the Local Plan work programme and incorporated into the Integrated Impact Assessment process to ensure that no groups or communities are disadvantaged.**

29. The Health Implications, Road Network and Environmental and Air Quality Assessments are all inadequate. There is no assessment of the effects of the HDTAP on biodiversity. There is nothing in the HDTAP about a lighting strategy or the protection of public art. Most references are to Kingston Town only.

a. Please refer to the response to question 6.

30. The statement: "The borough also benefits from widespread green spaces and parks" is in complete contradiction to the statement in the Strategic Environmental Assessment for LIP3 that "The Royal Borough is not as green as other Boroughs" with only 7.5% open space"

a. Please refer to the response to question 6.

Authors of Officer Response

Alex Chrusciack, Assistant Director, Strategic Planning and Infrastructure

Email: alex.chrusciack@kingston.gov.uk

Tel: 07892 757962

Nick Greenwood, Senior Policy Officer

Email: nick.greenwood@kingston.gov.uk

Tel: 020 8547 5359

BY hand

Marie Rosenthal
Interim Asst. Director of Law & Governance
& Monitoring Officer
Kingston Council
Gridhall.

205 Park Road
Kingston
KT2 5JY

2nd July 2019

Dear Ms Rosenthal

Re. Call in of Decision One to approve Housing Delivery Test Action Plan by Strategic Housing and Planning Committee on 19 June 2019

Please find attached a call-in petition of the above decision, signed by around 150 residents of the Royal Borough of Kingston upon Thames.

Please confirm receipt of the petition and notify me of its acceptance.

Yours sincerely



Caroline Shah

Canbury Ward resident

Accepted as valid

Mt Ruf

3 July 2019

Call in Panel to be
covered with 15 working days
Thank you

Call in of the Housing Delivery Test Action Plan

SUMMARY

100 signatures are needed by Tuesday in order to challenge the council's decision

The Government has introduced a Housing Delivery Test (HDT) to determine whether local areas are building enough homes to meet housing needs.

Kingston Council states that its Housing Delivery Test Action Plan ("HDTAP")¹ analyses current housing delivery in the borough and identifies *measures to address the shortfall in delivery over the last three years*

However, the HDTAP is also being used to speed up the planning process for Kingston's future development programme

The future development programme envisages the building of 55,000 new homes in 22 years, a far cry from the 1,381 that was our target over the last three years.

The HDTAP says nothing about how the council will protect existing homes across the Borough or about the effect of an accelerated large-scale development on existing communities, neighbourhoods or the environment; nor does it say how officers' new delegated powers to buy properties with a value of less than £1 million across the Borough will be used to facilitate land assembly for accelerated housing delivery, or what constitutes "exceptional circumstances" for the use of Compulsory Purchase Orders.

I believe that the council has failed to 'robustly challenge' the housing targets agreed by the previous administration with the Mayor of London, and is moving forward fast with unsound and undemocratically-agreed plans. It is now up to us, as local residents, to make sure what happens in Kingston is in the interests of the residents who have chosen the Borough as their home and is not pushed through in hidden and confused agendas. We must act now to bring these plans back to a scrutiny panel for proper investigation."

¹ <https://moderngov.kingston.gov.uk/ieListDocuments.aspx?MIId=8695>

Call in of the Housing Delivery Test Action Plan

The call-in

The Strategic Housing and Planning Committee of Kingston Council approved the Borough's Housing Delivery Test Action Plan on 19th June 2019 as Decision One.

We, the undersigned, call in Decision One of the Strategic Housing and Planning Committee on 19 June 2019 to approve the basis of the Housing Delivery Test Action Plan for publication by August 2019 for the following reasons:

1. The HDTAP does not simply address how the Council will address the shortfall in delivery over the last three years. It suggests measures to speed up the planning process for what will be a development programme that is many times bigger than the target we were set over the last three years
2. The HDTAP does not give clear and complete information about the Borough's future housing targets for the delivery of which the proposed Action Plan will apply. The actual housing targets for Kingston until 2041 are set out in the London Plan and the Strategic Housing Land Availability Assessment ("SHLAA") as 55,317¹. It does not explain why Kingston is expected to deliver housing to accommodate four times its forecast population growth. Population growth in the Borough is forecast to be 34,000² as of May 2019. This is an increase from 23,000 from November 2019³
3. In paragraph 2.13, the report to council confuses the unaffordable prices of homes which are vacant and available in Kingston with the need to create more supply for local people: "Even if population projections drop, there is now such a backlog of need (such as young adults unable to move into their own home) we still need to significantly increase housing numbers."
4. Having previously stated that they are against the London Plan's small sites targets, the Council now appear actively to support them by giving: "appropriate support to development partners in the progression of small sites within the borough in line with latest London Plan aspirations and associated accelerated housing targets"
5. The HDTAP and the accompanying report confuses the need to meet old housing targets with the need or desire to meet grossly inflated future housing targets that may well compromise quality and have a detrimental effect on existing communities. The HDTAP and accompanying report do not explain how the Borough can accommodate or support delivery of 55,000 new homes in 22 years when it has only delivered 75% of its existing housing target of 1,381 homes over the last three years⁴, nor does it relate the scale of development planned in any way with any desire or need to minimise the impact of development on existing communities or on the environment.

¹ Base 1364x22, plus 16,309 with CR2 or improved infrastructure, plus a minimum 9000 with "opportunity area" status

² Source: Early engagement for the Local Plan, May 2019:

https://www.kingston.gov.uk/info/200157/planning_strategies_and_policies/1353/new_local_plan

³ <https://moderngov.kingston.gov.uk/ieDecisionDetails.aspx?AllId=36198>

⁴ "When measured against the new Housing Delivery Test, Kingston's delivery rate is 75% over the three year period 2015/16 to 2017/18: Kingston delivered a total of 1,042 homes during this period against a target of 1,381 units, resulting in a shortfall of 339 units." Taken from:
<https://moderngov.kingston.gov.uk/documents/g8704/Public%20reports%20pack%20Wednesday%2019-Jun-2019%2019.30%20Strategic%20Housing%20and%20Planning%20Committee.pdf?T=10>

6. The council states that it is working on an Action Plan for Kingston Town Centre but no detail is given of what the consequences or objectives of the plan will be. Also, what about everywhere else in the Borough?
7. The HDTAP does not relate the scale of development planned, especially in so far as it affects the delivery of affordable or social housing, with any desire to retain existing housing. In paragraph 1.11 of Annex One, it obliquely refers to Cambridge Road Estate ("CRE") – "opportunities to update and renew Council-owned stock for a range of local needs" - but does not mention that the majority of the huge number of extra housing units in the planned "redevelopment" of the CRE will be for private sale and may well not be affordable to local people
8. The HDTAP mentions for the first time in any Local Plan evidence documents that the Borough might get "areas of intensification"⁵ as well as "opportunity areas". This would result in even greater development over an even wider area and has never been mentioned before. It is a bit like the Direction of Travel – introducing something in vague terms so residents do not see it coming
9. The document does not mention how new officer powers to purchase any property in the Borough with a value of up to £1 million without scrutiny or explain in detail how Compulsory Purchase Orders will be used in order to help deliver such large housing targets and speed up the planning process
10. The HDTAP does not mention the importance of the scrutiny of viability assessments as a vital aspect of the development management process because of the important implications that viability assessments have on the delivery of affordable housing and other public benefits
11. The document does not address the fact that the delivery of expensive infrastructure and affordable housing contributions affect the viability and deliverability of schemes nor of how this can have a significant effect on the housing that is delivered. This is particularly important given the Council in its LIP3 Borough Transport Strategy and its Strategic Environmental Assessment (which should have been integral to the LIP3 but has only just finished consultation even though the LIP3 has already been approved) appears to offer no alternative to improved transport infrastructure in the Borough to CrossRail 2 apart from additional buses and improvements to existing stations
12. In the section on Improving the Planning Process, the HDTAP talks only of speeding up or streamlining planning application processes, including introducing a fast track system, and never about the need to ensure quality housing is delivered, that existing communities and the environment are protected and that existing housing, especially affordable housing, is retained.
13. In two places, the HDTAP says that the speeding up of housing delivery will have a "significant benefit to the community" but does not give reasons for the statement. Indeed, the primary objective of the document is stated as: "speeding up housing delivery in the borough. This will be a significant benefit to the community since there is a need to see a step change in building more homes in the borough to meet the needs of residents.". This is a circular and therefore meaningless assertion. The document does not lay out any benefits at all to the community of accelerating such a massive development programme
14. The document does not mention any need for public consultation and engagement when it considers the specific approaches it is considering taking to the planning process and to determining planning applications. The only reference to community engagement is that the Council will hold "conversations" with residents and other stakeholders in the short term "regarding the Council's role in housing delivery as part of the borough's wider housing strategy". This is far too vague and does

⁵ "Areas of Intensification" are defined by the GLA: <https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan/london-plan-chapter-two-londons-places/policy-0>

not provide any comfort that residents will have any say in the type and scale of developments that are permitted in the Borough. Many statements do not make sense and are not substantiated, such as “step change in building more homes” will “meet the need of...residents” and the assertion that speeding up housing delivery is “essential to ensure the health and well being of Kingston’s residents and visitors since significant new home building has been identified as a specific requirement”

15. The Risk Assessment of the HDTAP is non-existent. The risks of accelerating delivery of housing on a development programme on the scale planned are massive. This section states that there is a risk of not completing a HDTAP but does not actually state the consequences of non-compliance. Perhaps they are worth bearing in order to avoid the consequences of accelerating a massive development programme on the Borough without due consideration of the effects of so doing?
16. The Equalities Impact Assessment gives no evidence that the HDTAP – in agreeing the accelerated delivery of a massive development programme - meets the requirements of The Equalities Act 2000. In particular, “good relations” is not an Equalities Act requirement. And there is nothing on how the HDTAP will affect people with disabilities for example
17. The Health Implications, Road Network and Environmental and Air Quality Assessments are all inadequate. There is no assessment of the effects of the HDTAP on biodiversity. There is nothing in the HDTAP about a lighting strategy or the protection of public art. Most references are to Kingston Town only.
18. The statement: “The borough also benefits from widespread green spaces and parks” is in complete contradiction to the statement in the Strategic Environmental Assessment for LIP3 that “The Royal Borough is not as green as other Boroughs” with only 7.5% open space”