



**NOTES
OF THE MEETING OF THE
COMMUNITY DEVELOPMENT GROUP
MONDAY 16 JANUARY 2012**

Held at 7.00pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford

PRESENT:

Councillors N C Lawrence (Chairman), S J Boote, N K Boughton-Smith, L B Cooper, J E Greenwood, M G Hemsley, Mrs M M Males, G R Mallender and P Smith (substitute for Councillor T Combellack)

ALSO IN ATTENDANCE:

Councillor J A Cranswick
Mr M Lockley Economic Development, Nottinghamshire County Council

OFFICERS PRESENT:

C McGraw Head of Community Shaping
K Marriott Transformation Manager
V Nightingale Senior Member Support Officer
P Randle Deputy Chief Executive (PR)
D Swaine Head of Corporate Services

APOLOGIES FOR ABSENCE:

Councillor T Combellack

25. Declarations of Interest

There were none declared.

26. Notes of the Previous Meeting

The notes of the meeting held on Monday 21 November 2011 were accepted as a true record.

With regards to the action points

Minute Number	Actions	Response
19. Notes of the Previous Meeting	a) A progress report be provided regarding the Site of Interest for Nature Conservation adjacent to the disused railway line.	Deputy Chief Executive (PR) explained that officers had met with the Notts Wildlife Trust and were considering a management plan for the site. There was an issue regarding pedestrian and cycle access and this was being considered in conjunction with Nottinghamshire County Council. Further updates would be given to the Group.

	b) Add a 12 month review of the SLA's between the Council and RCVS and RCAN to the Group's work programme	The Head of Community Shaping explained that this item had been considered by the Group in June and September 2011 and had been considered by Cabinet on 10 January 2012. Cabinet had requested that this Group should scrutinise the Agreement.
21. Green Waste Scheme	Officers to put an item in the next edition of Rushcliffe Reports marketing the composters and wormeries etc that were available through the Council's website.	Members were informed that this would be in the next edition.
22. Introduction to Flexible Tenancies and Affordable Rents	A future agenda item be placed on the Group's work programme when officers have further details.	This would be considered as part of the Group's work programme item.
23. Request for Scrutiny of Public Conveniences	A letter be sent to the parish councils including Councillor Boote's research.	The Deputy Chief Executive (PR) had sent a letter to the parishes
24. Work Programme	Items to be added to the work programme: <ul style="list-style-type: none"> • Consultation on Affordable Rents and Flexible Tenancies • a review of Choice Based Lettings to the agenda for the Group's meeting on 26 March 2012. • a review of the relationship between the Borough and the parish councils in June 2012. 	These would be considered as part of the Group's work programme item.

27. Rural Broadband

The Group received a presentation from Mr Lockley outlining the Government's scheme to introduce superfast broadband to rural areas, 'BD:UK'. He stated that the County Councils were being named as the lead

and accountable bodies for each area. He informed Members that all plans had to be submitted to the Government by the end of February and that the Government expected all projects to start during 2012/13.

For Nottinghamshire the cost of the project was estimated to be £17 million. Of this, it was expected that the private sector would contribute half, BDUK would contribute a quarter, leaving the County Council to assemble the remaining £4.25 million. This had resulted in Nottinghamshire County Council requesting investments from the district councils, which at present had been supported by Gedling and Rushcliffe Borough Councils. Each area had been prioritised according to the amount of investment required and a proportionate scale of funding had been put forward, with the County Council committing £2.5 million. This equated to Rushcliffe being ranked third in the County with a match funding of £233,311. He also stated that European funding routes were being pursued and that they were lobbying for relaxations of some of the criteria.

Members were informed that scope of the project was to deliver access to a minimum of 24 MBps broadband to 90% of Nottinghamshire premises and access to 2 MBps for the remaining 10%. This would mainly be provided by investment in upgrades to fibre optics to over 300 cabinets, 87 of which were in the Rushcliffe area. Also innovative satellite and wireless solutions were being considered for the more remote communities. Although there was some concerns about wireless and satellite connections it was recognised that technology was moving very quickly and that it was a move in the right direction. Members were informed that a pilot project would begin in the Spring of 2012.

In respect of timescales the Group were informed that

- the full Plan had to be submitted, with funding identified by the end of February
- the procurement process commenced by September 2012 – although a pre tender exercise had been completed leaving a framework of four providers
- the procurement would be completed by the end of 2012
- delivery to begin quarter 1 2013/14
- anticipated completion by 2015/16

As this was the timescale for all county councils it was imperative that Nottinghamshire was at the forefront.

In Rushcliffe it was estimated that approximately 12,792 residential properties and 431 commercial properties would receive access to faster broadband.

Following a question Members were informed that Cabinet had been requested to decide on whether the Borough would agree to the match funding and this was now awaiting a decision from the Local Strategic Partnership. However, it was recognised that this was an issue that affected the majority of the Borough and this Group needed to ensure that the issue was fully understood, and it needed to give direction and assistance on how the money was spent.

In respect of how the public would access the faster connections Members were informed that the preferred partner would install the infrastructure required. Mr Lockley stated that there would be no subsidies available for people to upgrade their home equipment in order to access these faster speeds and that this would be the responsibility of residents and their service providers, however local authorities could help by informing residents of the proposed changes and the timescales involved.

Members raised concerns about the ward data provided. Mr Lockley explained that this had been provided by an external source and planned upgrades to existing cabinets could have been included in the data. He agreed to clarify this and report back.

With regard to the preferred partner Mr Lockley stated that, as now, BT would have to open access to other competitors as the Government did not want a monopoly.

Members asked what affect would there be to communities that crossed county boundaries. They were informed that as some properties not in Nottinghamshire were served by Nottinghamshire cabinets and vice versa discussions had taken place with neighbouring counties to ensure that the overall nett affect would be the same.

In respect of communities taking the lead and working on their own Mr Lockley stated that there could be a possibility of match funding being available from the project although this would need to be carefully considered to ensure that the whole project was not penalised. However, there were other funding streams that communities could contact ie DEFRA.

Following a question Mr Lockley stated that 24MBps had been agreed as a base minimum and higher speeds would be welcomed if they could be obtained within the resources available.

The Chairman thanked Mr Lockley for attending the meeting and answering Members' questions.

It is AGREED that Members endorsed the work of Nottinghamshire County Council to secure funding to support rural broadband in Rushcliffe

28. **Localism Act 2011**

The Head of Corporate Services gave Members an update on the Localism Act that had received royal assent on 15 November 2011. He explained that many parts of the Act required further clarification and it was envisaged that regulations would be issued by the Secretary of State in due course. He said that the principle of the Act was to have greater freedom for the public.

The Group discussed the preliminary summary provided.

General Power of Competence

The Head of Corporate Services explained that this gave local authorities the same rights as individuals although they would still be bound by statutory restrictions. He stated that the principle was to allow for greater flexibility and innovation. With regard to the wellbeing power, authorities did not now have to apply this to the whole area.

Following a question regarding eligible parish councils the Head of Corporate Services explained that officers were still awaiting the criteria.

In respect of statutory duties Members were informed that the Council would still have to fulfil its statutory obligations however, if it had the power to carry out other functions it would be the authorities choice to identify if it wished to carry out such a duty.

Members felt that this issue should be referred back to the Group when more detailed guidance had been received.

Transfer of Public Functions

With regards to the transfer the Head of Corporate Services stated that this had not been changed. This was closely linked with the General Power of Competence and Community Right to Challenge. If the Council was approached by another body to carry out any functions then officers would present this to Members.

Following a question the Group was informed that further guidance was awaited on the definition of what was an authority.

Members felt that this was still in an embryonic stage and would be discussed as part of the Council's four year plan. It was also felt that this was an area that would develop and could possibly be included within the work programme at a more appropriate time.

Governance Arrangements

The Head of Corporate Services explained the different methods of governance and what would be required if changes were to be made to those arrangements. This could include returning to a committee system, which could include scrutiny committees.

The Group felt that as the only trigger for this would be politically motivated there was no further action for the Group and therefore this should not be included within their work programme.

Standards

The Group discussed the abolition of the Standards Board and the model codes of conduct for councillors and the impact of these on their role as a councillor, including how they could be perceived when making a decision. With regard to personal interest there had been some changes that could appear to lessen the categories, however, one of the changes was that a non-

declaration of a personal interest would be seen as a criminal offence. Also the register of interests that were kept by the Authority would now have to be published on the Council's website.

Members were informed that the Council would need to write and adopt a local Code of Conduct by July 2012, which would have to be presented to Council at its meeting in June. It was recognised that there would have to be a different approach to dealing with complaints and also Members would have to consider if there was a need for a committee.

The Group felt that these issues should be considered by the Standards Committee and that it should also be referred to the Member Development Group to ensure that all Members were fully informed of the implications of the changes.

Pay Policy Statement

With regard to a pay policy statement the Head of Corporate Services explained that this was to ensure that all authorities were transparent and open. This was a statutory requirement and additional guidance was required. The Local Government Association and the East Midlands Council had provided support and assistance. It was recognised that some of the required information was already on the Council's website. The Group was informed that this policy would be presented to Cabinet in February 2012.

The Group felt that there was no need for this to be included within their work programme.

Repeals

Members were informed that three duties had been repealed:

- The requirement to promote democracy
- The requirement to have a scheme to handle petitions
- A scheme to encourage domestic waste reduction

Members felt that as the Council had a scheme to handle petitions, especially electronic petitions, and as there were no costs involved, the Council should continue to offer this facility to residents. The Group noted the other two duties and agreed that there was no other action to be taken.

Non Domestic Rates

The Group felt that this was self-explanatory and no further action was required.

Council Tax

In relation to Council Tax Members were informed that an increase of 3.5% or above was deemed excessive. This item was being considered at the budget workshops and therefore would not need to be included in the work programme. It was recognised that Rushcliffe Borough Council, would incur the costs of a referendum if any of the precepting authorities raised the

Council Tax by an excessive amount. It was not felt that this would apply to parish councils, however the Head of Corporate Services agreed that this should be reported back to all Members when more detailed information was received.

Community Right to Challenge

Members were informed that the Council had a duty to consider any expressions of interest. Following consideration it could accept, reject or modify any proposal. However the Authority must consider how the change would affect the area.

Although it was recognised that this could become part of the options when considering the Council's four year plan the Group felt that this issue should be included within its work programme when further details had been received.

List of Assets of Community Value

The Head of Corporate Services explained that local authorities would have to keep and maintain a register of assets, including land, of community value put forward by parish councils, local communities or bodies with a local connection. A further list of unsuccessful nominations would also be kept explaining why these had not been placed on the register.

The Chairman informed the Group that he had recently visited one of the pilot areas where the community had used the register to halt the sale of the village pub. Members felt that there were various assets in the Borough that could be included in the register.

Following a discussion the Group felt that this was an area that should be included on the work programme when further guidance had been received.

Abolition of Regional Strategies, Community Infrastructure, Neighbourhood Planning, Consultation, Enforcement

It was felt that these issues would be considered by the Local Development Framework Group and therefore should not to be included within the Group's work programme

Housing

Following a question the Head of Community Shaping explained that the Council would now be able to discharge its homelessness duty by using the private sector, however with the buoyant market in Rushcliffe this was not always possible. This subject would be covered within the item on affordable rents and flexible tenancies due to be considered in March

It was AGREED that the items that had been considered as potential areas for further scrutiny, which might assist the Council in the delivery of its responsibilities, obligations and opportunities arising from the Act should be referred back at the appropriate time.

29. **Request for Scrutiny of Planning Application Notification Process**

The Chairman informed the Group that at the last meeting of the Scrutiny Chairmen and Vice Chairmen's meeting Councillor Wheeler had requested that one of the groups could scrutinise the Council's notification process for planning applications. He stated that the Borough Council exceeded the statutory requirements, however most Councillors did have some concerns especially regarding the definition of a 'neighbour', not being aware of who was notified and who had objected, and also people not knowing when an application would be considered by the Development Control Committee. Another area of concern was the electronic notification of applications to Members as the first endeavour had not been successful.

The Group supported the proposal for this issue to be included within their work programme, although it was recognised that this was a difficult area. It was felt that there needed to be a robust procedure that was transparent and clear to the general public. Members also commented on the fact that sometimes notices were not quickly removed.

Following a question Members were informed that proposed new planning legislation would not impact on any discussions.

The Group acknowledged the excellent work of the staff and the useful information that was contained within the weekly planning list. Officers stated that it would be an opportunity for the Development Control section to explain to Members the current procedure and to identify a mutually acceptable level of consultation within the current parameters.

It was AGREED that the notification procedures in Development Control should be a substantive scrutiny item for inclusion on the work programme

30. **Work Programme**

The Head of Community Shaping informed Members that at the meeting on 10 January Cabinet had requested that the issue of the Service Level Agreements between the Borough Council and Rushcliffe Council for Voluntary Service and Rural Community Action Network should be referred to the Group for further clarification, including identification of more comprehensive measurable outcomes. This would be placed on the agenda for 26 March 2012.

Officers explained that it would be more beneficial to move the item regarding Choice Based Lettings to the July meeting in order for Members to have a complete overview of the first year of the scheme. This would also enable Members to consider the draft strategy in respect of flexible tenancies and affordable rents and how the Council would work with housing associations in March.

Following on from the Group's discussion on the Localism Act 2011 it was agreed to place items regarding the Community Right to Challenge and the List of Assets of Community Value on the Group's agenda for October 2012. It was hoped that this would allow time for further guidance to be produced.

The meeting closed at 9.10 pm.

Action Sheet**COMMUNITY DEVELOPMENT GROUP - MONDAY 16 JANUARY 2012**

Minute Number	Actions	Officer Responsible
26. Notes of the Previous Meeting	A further report be provided, when appropriate, regarding the Site of Interest for Nature Conservation adjacent to the disused railway line.	The Deputy Chief Executive (PR)
27. Rural Broadband	The ward data regarding broadband speeds to be checked and clarified.	Mr Lockely
28. Localism Act 2011	<p>Items to be referred back to the Group when appropriate:</p> <ul style="list-style-type: none">• General Power of Competence• Transfer of Public Functions• Community Right to Challenge• List of Assets of Community Value <p>Any issues arising from the change of the Standards regime be referred to the Member Development Group in order that training can be provided.</p> <p>The Head of Corporate Services to report back if excessive council tax rises applies to parish councils.</p>	The Head of Corporate Services
29. Request for Scrutiny of Planning Application Notification Process	Planning Application Notification to be placed on the Group's work programme	Head of Community Shaping