

NOTES
OF THE MEETING OF THE
COMMUNITY DEVELOPMENT GROUP
WEDNESDAY 26 OCTOBER 2011

Held at 7.00 pm in Committee Room 1, Civic Centre, Pavilion Road, West Bridgford

PRESENT:

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

ALSO IN ATTENDANCE:

Councillors J N Clarke, J A Cranswick, G Davidson and R M Jones

OFFICERS PRESENT:

C Bullett	Deputy Chief Executive (CB)
V Nightingale	Senior Member Support Officer
P Randle	Deputy Chief Executive (PR)

APOLOGIES FOR ABSENCE:

There were no apologies for absence

16. Declarations of Interest

There were none declared.

17. Cabinet Call-In – New Homes Bonus

The Chairman welcomed Councillor Davidson, the Lead Signatory and Councillor Clarke, on behalf of the Cabinet, to the Group's meeting. He outlined the purpose of the meeting and explained the process that would be undertaken.

Councillor Davidson addressed the Group stating that the New Homes Bonus was a Government initiative to encourage local authorities to provide new housing. Although this money was not ring fenced and it could be used for any purpose it was felt that it should help councils and councillors to work with communities on housing growth. In accordance with the Call-In process he made reference to the six categories:

- Proportionality – this was a significant sum of money that would be spent on an item that was not the responsibility of the Council and with no proven evidence presented about proportional benefit or of any benefit to the Council.
- Due consultation and the taking of professional advice from officers – he felt that neither the report nor the discussion made it clear whether any consideration had taken place by any officers, other than the Chief Executive.
- Respect for human rights – he stated that human rights was a broad topic, however it was felt that there was a Government expectation on

how councils would use the money and that there should be community consultation. He stated that no residents had been consulted and that, apart from the Leader of the Council, there had been no opportunity for councillors to have an input.

- A presumption in favour of openness – he felt that this had been conspicuously lacking, in fact Members had only known about these decisions when they had received their Cabinet agenda. Also there had been very little debate at the Cabinet meeting itself.
- Clarity of aims and desired outcomes – these had been very difficult to detect as no one had any idea of how much benefit would be obtained. There was also no information of how this proposal would be put into practice.
- A record of what options were considered and giving the reasons for the decisions – he stated that there had been no other options considered, it was a single proposal issue. Therefore there had been no reasons given for any other options that the money could have been used for.

He informed the Group that the merit of developing the A453 was not in question and it was agreed that this would be of benefit to the area, however the decision had been taken without any due consultation either with residents, this Group, the Local Development Framework Group or any other councillors. There had been no risk assessment undertaken and there was no clarification on whether this development would go ahead even if the Council put forward this money, therefore it was wasted capital. He believed that the significant effects of a proposal should be part of the process.

The other recommendations on the use of the New Homes Bonus would look at infrastructure needs on a development by development basis. Councillor Davidson stated that he had listened very carefully at the Cabinet meeting and there had been no quantitative evidence. He believed that as this decision had breached a number of the principles, including consultation and that because there were no alternatives, it should be referred back to Cabinet for further discussion.

Councillor Clarke, as Cabinet portfolio holder, responded to Councillor Davidson. He agreed that the New Homes Bonus was an incentive for growth. He stated that the benefits were for the whole area and not just for the Council. In respect of due consultation he had spoken to the Chief Executive who had researched the subject, and he was sure that the relevant officers would have been consulted in order for the Section 151 Officer to be able to write the report, although these would not have been formally minuted meetings. With regard to human rights it was common knowledge that the situation of the A453 was a problem, leaflets had been produced by the City Council, the Greater Nottingham Partnership and the Chamber of Commerce; it had been the subject of an article in Rushcliffe Reports and had featured on the front cover; there had also been a Council motion in September 2010 to call on the Government to bring funding forward and another open discussion in June 2011 in respect of HS2 where one item listed had been to ask for the works to the A453 to be accelerated. Councillor Clarke informed Members that at meetings of the Rushcliffe Business Partnership this was a regular topic and at a meeting held with Kenneth Clarke MP a large number of concerns had been raised including the fact that local businesses were suffering.

In respect of a presumption in favour of openness Councillor Clarke stated that the Council's Constitution was clear that it was the Executive who made decisions and it did not state that issues had to be put before scrutiny first. The New Homes Bonus guidance did not require consultation to take place and it was felt that residents were involved as this problem was common knowledge. He informed the Group that Nottinghamshire County Council had also stated that they would add some of their money to the scheme as well. With regard to the money there was no risk as the recommendation had stated that up to £500,000 would be earmarked for the scheme, not committed, not given up and also that it was time limited to 2015/16. He reminded Members that the New Homes Bonus was not part of the Council Tax funding and was available for councils to use as it wished to support growth. He pointed out that residents were not concerned where the money came from and that it was all public money in the end. The Secretary of State for Transport had not earmarked any money for the scheme and it was felt that by stating that this money would be available it would be an incentive to other public bodies, including the City Council and hopefully this would kick start the process. He also stated that the Council was not putting the money into the general funds as other authorities were doing.

With regard to risks Councillor Clarke felt that there were none as the money was earmarked and if the scheme did not go ahead the money would still be available for other uses. Also, he pointed out, the recommendation had stated up to and therefore was not committing the Council to use money it had not got. In respect of other options to be considered Councillor Clarke was unsure what other options could have been considered in relation to the A453.

The Chairman asked for clarification regarding the Constitutional issues raised and the need to consider other options. The Deputy Chief Executive (CB) explained that the Constitution did not require decisions to be presented to scrutiny before Cabinet, nor was there any specific requirement to consult and that it was good practice to consider other options if they were available. With regards to deciding which topics went to scrutiny officers explained that it was a judgement of best approach; for example the Leisure Facilities Strategy was being considered by a Member Group as this was a complex and difficult subject.

The Group discussed the merits of consultation and its link to the Council's Priorities. Councillor Clarke stated that the Council had run its 'Big Picture' consultation exercise and the issue of the A453 had been identified through that. Officers stated that you would have to consider who you would consult, what questions you would need to ask and what outcome you wanted to achieve. This then had to be balanced against cost and public perception. Councillor Clarke stated that he was committed to consultation but it had to be relevant, proportionate and with clear outcomes. He felt that if you asked people if they wanted improvements to A453 there would be clear support for it; however, he felt that residents would accuse the Council of wasting money if such a consultation had gone ahead. Another factor that needed to be taken into account was consultation fatigue. Councillor Davidson felt that the consultation could have asked for alternatives to be taken into account such as the A52, the Robin Hood Line, etc. He also felt that articles, leaflets and motions at Council were not consultation.

Councillor Mallender stated that recommendation b) made reference to a report after the Local Development Framework process had been completed and he felt that the Local Development Framework Group was the relevant place to have discussions about the use of the New Homes Bonus funding. Councillor Davidson supported these comments. Councillor Clarke felt that this caused an additional risk as the delay could mean that the opportunity to kick start the process would be lost.

Councillor Boote informed the Group that the guidance notes concerning the New Homes Bonus from the Department for Communities and Local Government stated that local authorities should be flexible and decisions should be made having regard to local wishes and that local councillors should work with local communities to discuss how best the money could be spent. Following a question Councillor Clarke stated that he believed that the guidelines had been followed as there had been on-going consultation but he thought that specific consultation was important when considering a new subject/proposal.

Some Members were concerned that the money was being used for a project that was under the remit of another body. Councillor Clarke agreed that this was a Highways Agency project but felt that the benefit it would bring to the area, which would help residents and tax payers, was important and therefore the decision had been taken to earmark less than 10% of the anticipated Bonus to assist in kick starting the project. It was envisaged that this would encourage other bodies to pledge money to the project.

The Group discussed the Cabinet and elected leader model comparing it to the old Committee system. It was pointed out that local authorities were prevented from continuing with the committee system by the Government at the time and were required to move to either the Cabinet/Leader model or an elected mayor model. It had been envisaged that this would speed up the decision making process and reduce the cost of bureaucracy. Councillor Clarke stated that if every decision had to be presented to scrutiny then the Council would, in effect, be moving back to the old committee system.

Councillor Boote asked for clarification on the Cabinet report and where it talked about proportionate or predicted benefit. Councillor Clarke replied that Cabinet had taken into account the on-going consultation, the number of crashes and fatalities on the road, the various literature and discussions over the last few years.

In summing up Councillor Davidson stated that he still did not feel that leaflets, articles and Council motions was consultation. None of these had been related to funding, so although everyone agreed the A453 was a problem, no one had been consulted on how best the funding could be used. He would have liked to see other transport issues shown as alternative options but no other issue had been considered. He still felt that the principles had not been adhered to.

Councillor Clarke, in summing up, reiterated that the money was **up to** £500,000 and was earmarked and not committed. It was recognised that there

were other problems and recommendation b) had included the need for a further report to identify how to spend the rest of the Bonus on other projects.

The Chairman reminded the Group of the three options available to them.

- To uphold the Cabinet's decision (the Cabinet decision can now be actioned)
- To agree that the decision breached the decision making principles but not sufficiently to warrant referral back to Cabinet (the Cabinet decision can now be actioned)
- To agree that the decision breached the decision making principles and recommend that the decision be referred back to the next Cabinet meeting. The Scrutiny Group should expressly outline the reasons why it believes the decision making principles have been breached. (Note Cabinet's decision cannot be actioned until Cabinet has reconsidered the decision.)

On being put to the vote the Cabinet decision was upheld.

The meeting closed at 8.30 pm.