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Our reference:
Your reference:
Date: 5 July 2010

To all Members of the Council

Dear Councillor

A meeting of the CABINET will be held on Tuesday 13 July 2010 at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely

Head of Corporate Services

AGENDA

1. Apologies for absence.
2. Declarations of Interest.
3. Minutes of the Meeting held on Tuesday 8 June 2010 (previously circulated).
4. Charging for Pre-Planning Application Advice

The report of the Head of Planning and Place Shaping is attached (pages 1 - 13).

5. Stable Block Options

The report of the Head of Community Shaping is attached (pages 14 - 16).

Membership

Councillors Chairman: J N Clarke, Vice-Chairman: J A Cranswick, D G Bell, J E Fearon, R Hetherington, Mrs D J Mason

Meeting Room Guidance

Fire Alarm - Evacuation - in the event of an alarm sounding you should evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble in the Nottingham Forest car park adjacent to the main gates.

Toilets - Facilities, including those for the disabled, are located opposite Committee Room 2.

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**MINUTES
OF THE MEETING OF THE
CABINET
TUESDAY 8 JUNE 2010**

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

PRESENT:

J N Clarke - Chairman
Councillors D G Bell, J A Cranswick, J E Fearon, R Hetherington,
Mrs D J Mason

ALSO IN ATTENDANCE:

Councillors Mrs D Boote, S Boote, C Evans and B Venes

OFFICERS PRESENT:

C Bullett	Deputy Chief Executive (CB)
A Graham	Chief Executive
S Goodrich	Head of Revenues & ICT
S Griffiths	Deputy Chief Executive (SG)
N Morton	Head of Financial Services
P Randle	Deputy Chief Executive (PR)
D Swaine	Head of Corporate Services

APOLOGIES FOR ABSENCE:

There were no apologies for absence

8. **Declarations of Interest**

There were none declared.

9. **Minutes**

The minutes of the meeting held on Tuesday 18 May 2010 were approved as a correct record and signed by the Chairman.

10. **Leadership Model and Executive Arrangements**

Councillor Clarke presented the report of the Head of Corporate Services and explained that it set out proposals for potential changes to the Leadership and Executive Arrangements of the Council as required by the Local Government and Public Involvement in Health Act 2007.

Commenting further Councillor Clarke stated that in simple terms the potential changes could take one of two forms which were expressly set out in the report. In terms of the Leader and Cabinet model he indicated that the proposals would mean that the Leader would be appointed by annual Council for a four year term and additionally the Leader would appoint his or her Cabinet, which was presently a matter for annual Council.

In view of the fact that the Leader and Cabinet model had been in place for some time at the Council, Councillor Clarke stated that he believed this model would be most likely to assist in securing continuous improvement in the way the Council's functions were exercised.

Councillor Clarke stated that it was clear from the report that the proposals for the Leader and Cabinet model of Executive Arrangements presented a subtle change to the existing arrangements at the Council. However the change required a programme of consultation to be undertaken in order that views and opinions were sought and considered before a final decision was made.

Councillor Clarke went on to refer to the consultation action plan as appended to the report which set out the three month programme of consultation and also gave details of how the proposals would be reported to the necessary Council committees. In conclusion he indicated that the Consultation Action Plan would be forwarded to Council for approval with a view to the consultation period commencing on 1 July and ending on 30 September.

RESOLVED that:

- a) Cabinet consider that, subject to the results of the consultation to be undertaken, the Leader and Cabinet Model would be most likely to assist in securing continuous improvement in the way the Council's functions were exercised; and
- b) agree the consultation action plan as set out in the report and recommend it to Council for approval.

11. **Petitions Duty and Scheme**

Councillor Hetherington presented the report of the Head of Corporate Services setting out proposals for the implementation of a petition scheme consistent with the petitions duty as set out in the Local Democracy and Economic Development and Construction Act 2009.

The report indicated that every principal local authority had to adopt a petition scheme by June 2010 with the duty to have an e-petitions facility in place coming into force in December 2010. A copy of the scheme was attached to the report setting out the types of petition that were covered, potential actions that the Council might take when dealing with petitions and the suggested thresholds for the number of signatories which could trigger the petition being debated at a full Council meeting or a senior Council officer attending a scrutiny group to give evidence.

Commenting further on these thresholds Councillor Hetherington indicated that they were calculated taking into account the Borough's population statistics and statutory guidance on the petition scheme. The guidance provided a maximum percentage of the population for full Council debates but gave only guidance in respect of officers attending scrutiny groups to give evidence.

When determining the thresholds Councillor Hetherington indicated that consideration had been given to the statutory guidance and also the issue of ensuring the petition scheme was effective in enabling issues of genuine

community concern to be addressed. He added that it was important to have thresholds that were achievable but were at a level that reflected issues of genuine concerns to communities within the Borough. In view of this the report suggested that the thresholds be set at 2% of the population equating to 2,200 signatories for either the requirement for the petition to be debated at full Council or for a senior council officer being requested to give evidence at a scrutiny group meeting.

In conclusion Councillor Hetherington indicated that it was important to recognise that the Council's existing constitutional provisions in relation to petitions would remain, however the scheme presented was consistent with the duty arising from the legislation and would help to ensure the Council was able to continue to deal with petitions properly and fairly. He stated that the report recommended the petition scheme to Council for approval as it would require the Head of Corporate Services to be authorised to implement minor amendments to the Council's Constitution to facilitate the scheme's implementation.

In response to a question from Councillor Clarke, the Head of Corporate Services clarified that the statutory guidance indicated that the principle behind the petitions scheme and the e-petitions facility was that of openness and accessibility. As such both the lead petitioner could determine their preference for the type of petition undertaken, helping to ensure that the process for the submission of a petition was open and transparent.

RESOLVED that:

- a) Cabinet agree,
 - i) the draft Petition Scheme as attached as Appendix A subject to the existing Constitutional arrangements remaining in place in relation to petitions that fall below the stated thresholds,
 - ii) the subsequent amendments to the Constitution; and
- b) forward the scheme to Council for approval.

12. **Provisional Financial Outturn 2009/10**

Councillor Cranswick presented the report of the Head of Financial Services setting out the revenue outturn. He explained that the outturn was subject to audit and Appendix One of the report indicated that the Council had achieved its activities within the allocated resources and with an overall saving on services.

The savings on services were detailed in Appendix One of the report and these savings contained a number of 'one-off' items of income that were not budgeted for. Furthermore it set out that once these one-off items were taken into account, the savings on services were £300,308. The report also set out in detail the main variations for revenue and it also, at paragraph seven, detailed interest receipts.

In terms of capital expenditure the report indicated that performance equated to 83% of the revised gross budget excluding the Customer Service Partnership project, which accounted for £994,000 of the under-spend in the year. This had been highlighted to the Corporate Governance Group and also to Cabinet through the formal capital monitoring process.

In conclusion Councillor Cranswick stated that he believed the report evidenced the effectiveness of the Council's robust financial management arrangements and also clearly demonstrated the excellent work undertaken by Council officers to ensure resources were used properly.

RESOLVED that:

- a. the outturn be noted;
- b. a proposed carry forward of £102,803 to 2010/11 in respect of revenue items listed in **Appendix 2** be supported and referred to Council for approval;
- c. an amount of £322,322 be transferred to a VAT Reserve;
- d. an amount of £170,000 be transferred to the Planning Appeals Reserve;
- e. an amount of £46,630 be transferred to the Planning Delivery Reserve;
- f. an amount of £53,360 be transferred to the Leisure Centre Maintenance Reserve;
- g. an amount of £100,000 be transferred to the Planned Maintenance Reserve;
- h. an amount of £174,500 be transferred to a LAA Reserve;
- i. the net capital carry forward of £1,787,210 be approved.

13. Improvements to Public Conveniences – Bridgford Park – Approval of Scheme

Councillor Cranswick presented the report of the Head of Revenue and ICT Services which indicated that Cabinet, at its meeting on 9 February 2010, had considered outline proposals for the replacement of the public toilets sited in Bridgford Park. The report stated that the budget consultation workshops undertaken as part of the budget setting process had indicated support for substantial improvements to the condition of the facilities on the existing site.

The report highlighted that the existing toilet provision within the park did little to complement the surroundings and its design and condition meant it had limited or no appeal. Furthermore the toilet facility was constructed around 1970 and whilst the fabric of the building was in good general condition, its internal condition and the sanitary fittings were poor and outdated. Additionally the condition of the building at present meant it had associated anti-social behaviour and inappropriate use issues.

In order to gauge the views of potential users to the facility comprehensive consultation had been undertaken as part of the process for developing proposals and the results of this had been incorporated into this report. The consultation findings were set out in the report which indicated that the consultation had run between 5 and 19 May. It had included face to face surveys and details of the proposals had been published on the Council's website with a facility for people to make comments. A detailed appraisal of the

consultation responses was set out in the report which gave details of the results and also outlined comments received in writing and by telephone.

By referring to the consultation responses Councillor Cranswick indicated that there was support for the potential introduction of a small charge of 20 pence for the use of the facilities. He stated that the introduction of such a charge would require the completion of a feasibility study to determine if it would be viable and this was reflected in the report's recommendation. Commenting further he stated that the potential introduction of such a charge would help to exercise a further element of control in terms of appropriate access to the facility assisting in the prevention of anti-social behaviour and associated issues.

In terms of the potential kiosk facility as shown on the plan attached to the report Councillor Cranswick indicated that work was continuing in order to determine how best to take this matter forward. He indicated that this work included discussions between the relevant Council officers in order to identify the best potential use of the facility and how it could form part of measures to help prevent and deter vandalism and misuse of the toilets.

Councillor Bell indicated support for the proposals and stated that they presented a viable option for the introduction of an improved facility which would be welcomed by the local community and park visitors. Councillor Fearon concurred with this view and stated that he was pleased the proposals incorporated the existing building.

In response to a question from Councillor Fearon the Head of Revenue and ICT Services clarified the costs associated with the proposal and the opening times of the park when the facilities would be available for public use.

As a concluding remark Councillor Clarke stated that he welcomed the proposals and that he believed the introduction of a much needed and valued facility was a positive move forward.

RESOLVED that:

- a) the scheme presented in the report be approved in principle; and
- b) the introduction of a charge of 20p for the use of the facility be agreed, subject to a feasibility study being undertaken to establish if a cost neutral position, for the provision and maintenance of cash collection equipment can be achieved; and
- c) the Head of Revenues and ICT Services, in conjunction with the Cabinet portfolio holder, be requested to review the findings of this study prior to the implementation of such a charge.

14. Application of Discretionary Powers for Council Tax Reductions

Councillor Cranswick presented the report of the Head of Revenue and ICT Services which outlined the discretionary powers available to Billing Authorities for the award of a reduction of Council Tax under section 13A of Local Government Finance Act 1992. He stated that the report also set out a

framework setting out the criterion under which the assessment of claims for eligibility to Council Tax reductions in exceptional circumstances could be made.

Commenting further Councillor Cranswick stated that the framework presented a common sense approach to the use of discretionary powers with regard to Council Tax reductions. In respect of exceptional circumstances he gave the example of flooded properties and how, at present, such reductions would not be applicable if the property remained furnished, even if it was not possible for the residents to live in it.

Councillor Mrs Mason welcomed the report and introduction of greater discretion in terms of the use of the powers as this truly reflected a more common sense approach. She believed this would assist the Council in helping residents at difficult times when exceptional circumstances could lead to the payment of Council Tax whilst they were not able to make proper use of their property.

RESOLVED that:

authority to determine applications for a reduction of council tax under section 13A of Local Government Finance Act 1992 be granted to the Head of Revenues and ICT Services in consultation with the Cabinet portfolio holder for finance in accordance with the framework outlined in this report.

15. **Bingham Conservation Area Review**

Councillor Bell presented the report of the Head of Planning and Place Shaping indicating that in line with government requirements, appraisals and reviews of boundaries were being undertaken for all the Conservation Areas in the Borough. As part of this review process the Bingham Conservation Area had been appraised and its boundary reviewed and the report recommended changes to the Conservation Area boundary.

Commenting further Councillor Bell outlined the changes identified by the review, the consultation undertaken as part of the review process, and the proposed recommendation. He added that the plan at Appendix 2 of the report set out the proposed boundary for the Conservation Area and also additions and omissions within it.

RESOLVED that:

pursuant to Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, changes to the boundary of the Bingham Conservation Area be designated as shown on the plans at Appendix 2 of this report and notice be given in accordance with the statutory requirements.

The meeting closed at 7.25 pm.

CHAIRMAN

CHARGING FOR PRE-PLANNING APPLICATION ADVICE

REPORT OF THE HEAD OF PLANNING AND PLACE SHAPING

CABINET PORTFOLIO HOLDER - COUNCILLOR D G BELL

Summary

The report brings forward proposals for charging for pre application advice:- answering the question “Will I get planning permission for” as supported by the budget workshop.

Recommendation

It is RECOMMENDED that

- (a) That the proposed charging regime as set out in the attached Table be approved.
- (b) That free advice be provided for extensions to premises of small local businesses with up to 10 employees
- (c) That minor adjustments can be made to the scheme in consultation with the portfolio holder

Background

1. The Local Government Act 2003, Section 93 provides the legal framework for charging for pre application advice. Fees levied should not exceed the costs of the service. Research of other authorities indicates a varied picture. Some authorities have chosen not to charge; some have reduced charges as a response to the recession. Others charge and find this provides a good service with few problems. There would be some additional procedures to put in place but many authorities who charge find that this has focused enquiries and less time has been spent on protracted meetings and discussions.
2. During preparation of the 2010/11 budget the option of charging for advice was considered in workshops with Members and focus groups representative of the residents in the Borough (carried out by IPSOS MORI). The target income was shown as £13,400 for “Will I get planning permission?” and £4,300 for “Do I need planning permission?” There was a general consensus that charging for pre application advice for developers was acceptable. It was considered that householders and small local businesses should not be charged for such advice. Charging for answering the question “Do I need planning permission/approval under the Building Regulations?” was considered to be inappropriate.

Objectives

3. The objectives of the service are:
 - For applicants to better understand the planning application process and the information needed with the application and to save the time and costs of finalising the application and the planning application fee where the proposal is completely unacceptable to the Council
 - To manage demand for the service and ensure that those who benefit most from it (developers/agents) help fund the costs
 - To maintain and improve the existing service, to recover some of the costs and to help fund service improvement including Development Management approach

Detail/Analysis

4. Requests for advice are recorded in a database. Over time enquiries have increased and this increase has continued during 2009 and 2010 even though the recession has seen a drop in planning application numbers. Between November 2009 and April 2010 there were 400 cases where advice was given. The current target is 21 days and 60% of cases were concluded in this time. Householder enquiries were not differentiated in the database until November 2009. Over a 6 month period the proportion of enquiries has been about 30% householder proposals and 70% other types of proposals. It is estimated that there would be a drop of 60% in enquiries if charging was introduced (this is half way between Purbeck who saw an initial drop of 30% and Harts who saw an initial drop of 90% in requests when they introduced charging).

Data		est 09/10	40%
Will I get Planning permission? Major (more than 9 houses)		22	10
Will I get planning permission? Minor (eg up to 9 houses)		372	150

Concessions

5. During the workshops Members concluded they did not want to charge householders and small local businesses ie for the following:
 - Do I need planning permission for
 - Advice on house extensions and other minor works to an individual residence
 - Extensions to existing small local businesses to enable them to expand or improve their operations
 - Proposals which do not require a planning fee at present eg Listed Building advice and extensions to allow disability access.

Charging Options

6. A variety of mechanisms are used by other authorities for setting charges – as shown in a survey in Planning magazine in February 2009. These variations are as follows:

- Flat fee per category of development – easy to understand, can be paid up front, easy to administer, less directly related to costs, difficult to set the level as resource inputs vary and it would be difficult to set a fee high enough to cover the costs of larger cases whilst not dissuading applicants to seek advice on smaller cases.
 - Variable fee based on actual costs – difficult to calculate as accurate and detailed time recording would be required, applicant would not know the cost beforehand, may be harder to collect and lead to delays if payment was required upfront but could be useful for a repeat submission where a full fee would not be justified.
 - Variable fee based on a percentage of the fee for the planning application - easy to understand, related to the scale of the works proposed and to costs (to the extent that the nationally calculated fee for planning applications is meant to cover the costs of deciding them), could result in small applications such as 1 or 2 houses having a small fee when the work involved may be significant and larger schemes attracting a very high fee.
 - A combination of the above and possibly including a minimum and or maximum fee.
 - Separate provisions for very large schemes (e.g. those needing a Planning Performance Agreement) and for schemes being dealt with by the Planning Infrastructure Commission (where the Local Authority will be required to carry out consultations and to give a view but will not be deciding the planning application).
7. The fees are subject to VAT and will require the Council to take out additional indemnity insurance.
 8. The proposed charging schedule and exemptions is a mix of standard fees with a sliding scale depending on type and scale of development with a number of exemptions. The scales are set out in the attached **Appendix 1**. It is proposed that a small local business be identified as those with local connections and up to 10 employees.
 9. An advisory audit has been carried out by the Council's internal auditors to help develop an appropriate framework. It is proposed that the selected charging regime is kept under review.

Consultation results

10. A draft fee schedule of a sliding scale depending on size of development was produced and consultation has since taken place directly with about 100 agents/developers in accordance with the duty to consult. The survey has also been open to residents and businesses on the Council's web site. A total of 19 responses have been received.
11. Of the respondents, 13 were agents or developers, 2 were residents and 2 were other (e.g. statutory consultees). 16 had sought pre application advice previously, 2 did not know the service existed, 8 were very satisfied/satisfied, 3 were dissatisfied and 1 was very dissatisfied. The main reason given for

using the services was to be able to advise their client more fully. The main reasons for dissatisfaction were the time taken for the advice to arrive, followed by the advice being unclear/unhelpful. 16 responders felt 14 days was an appropriate time to wait for advice (the current target is 21 days). 7 responders said they agreed with not charging householders and small businesses. Half said they would not use the service if there was a charge.

12. The comments made and the responses to these are set out in the **Appendix 2**. In relation to the scale of fees the key comment was that the fee for smaller numbers of houses was disproportionately high. Accordingly the scale of fees has been reduced for 1-3 houses. A category of "Research of planning history" has been added with a fee of £50 (NB histories back to 1993 can be found for free on the Blueprint website).

Risk assessment

13. The risks associated with the proposals are:
 - That the estimates are inaccurate and the budgeted income is not achieved or is significantly exceeded. Over a period of time the data to assess costs and breakdown of types of request will improve. The service will be kept under review and adjustments can be made if needed. Clear procedures will need to be in place to control the amount of information provided on the telephone or face to face and this needs to be clear in the documentation. There needs to be a standard request form and an indication of the information required and clear recording of advice given.
 - Applicants could be aggrieved that pre application advice does not follow through to a permission. The documentation needs to make plain that the advice is guidance as to issues that need to be addressed in an application, is not a design of the scheme and is not a binding decision. Additional indemnity insurance is required by the Council's insurers. There would be no extra charge for this in 2010/2011 although there may be an additional charge in future years dependent on the value of the income received.
 - Applicants may not seek advice and may proceed straight to application stage with applications being submitted with insufficient information and proposals that are less informed. A proportion of applications are already submitted without advice and in some cases officer advice appears to have been ignored. Robust validation systems and being clear that unacceptable proposals that have not been through the advice procedure or which have ignored officer views will not be the subject of negotiation during the life time of the application should address this. This will benefit agents who prepare quality thought through schemes.
 - Opponents of the proposals may feel officers have colluded with developers in some way. The documentation needs to make plain that the advice is guidance as to issues that need to be addressed in an application, is not a design of the scheme and is not a binding decision.

- New procedures may become cumbersome and lengthy and require too much officer time. The proposals should have the effect of reducing speculative requests thus freeing up officer time. The system needs to be straightforward to operate and needs to be kept under review.

Financial Comments

Additional income of £14,000 for fees charged for pre-application advice has been incorporated into the 2010/11 budget. Fees charged should recover our costs involved in the advice.

There would be no additional charge for indemnity insurance in 2010/11, however the Council may incur an additional charge in future years dependent on the value of pre-application income received.

It is not anticipated there will be significant additional officer time to provide pre-application advice and maintain the database however where applicants utilise the service, the Council would potentially save officer time at the planning permission stage.

Section 17 Crime and Disorder Act

There are no implications arising.

Diversity

The proposals would mainly impact on those involved in significant developments. The concessions for householder schemes will include extensions required to facilitate disability access.

Background Papers Available for Inspection:

Audit Commission "Positively Charged Charging Directory" Jan 2008

Audit Commission "Charging for local Services" Sept 07

Planning Advisory Service "A Material World – Charging for pre – application advice" April 07

Planning Magazine February 2009

Internal Audit "Pre Application Planning Advice Draft report" April 2010

<p>Proposed fees and charges for pre application planning advice. The fee is non refundable VAT to be added at relevant rate.</p> <p>A meeting either in the office or on site will be arranged at the case officer's discretion</p> <p>Advice is given in good faith but cannot be binding on the Council. The formal decision of the Council can only be given when a planning application is submitted. Where a proposal falls within 2 categories the highest fee is applicable</p>	
New build residential development	
Development of 1 – 3 dwellings	£100
Development of 4 -5 dwellings and development on sites up to 0.2 ha	£150
Development of 6-9 dwellings or sites of 0.21 ha - 0.3 ha	£300
Development of 10 - 50 dwellings or sites of 0.31 ha – 1.5 ha	£500
Development of 51- 100 dwellings or sites of 1.51 ha – 3.0 ha	£750
Development of 101- 200 dwellings or sites of 3.1 ha – 6 ha	£1000
201+ dwellings or sites more than 6 ha	By negotiation (minimum £1500)
New build non residential development	
Non- residential development up to 499 square metres floor area or sites of up to 1 ha (free advice for extensions to existing small local businesses with up to 10 employees))	£150
Non-residential development between 500 and 999 square metres floor area or sites of up to 2.5 ha	£300
Non-residential development between 1,000 and 5,000 square metres floor area or sites of 2.6ha – 6ha	£650
Non-residential development over 5,000 square metres floor area or sites over 6 ha	£1000
Other	
Alterations to non-residential development where no new floor space is created and changes of use	£150
Householder development including alterations and extensions	Free
Telecommunications	Free
Advertisements	Free
Proposals relating to trees, or demolition in a Conservation area	Free
Listed building advice	Free
Proposals by parish and town councils	Free
Proposals relating to the needs of persons with disabilities	Free
Research site history	£50

Pre Planning Application Advice Survey Summary of comments

Have you ever used the pre-planning application advice service offered by Rushcliffe Borough Council?

	Comment	Response
1	Does this include determinations or confirmation regarding permitted development?	This service will continue to be provided free
2	In the most recent case to which I am referring, the advice followed a refusal of planning permission and subsequent dismissal at appeal. Under these circumstances, it would have been inappropriate for my client to have paid a fee to the LPA given they had already paid in excess of £3,000 for the initial planning application.	The advice following a refusal of planning permission will be free.

Quality of pre-planning application advice service

1	Actually either very satisfied or very dissatisfied. On a couple of occasions full and detailed pre-application advice was of material assistance to all parties involved including the LPA. More recently pre-application advice has been patchy or non-existent.	New procedures are being put in place to ensure consistent and timely advice
2	It takes too long to gain a written reply, and the advice is often contradicted by the case officer when a formal application is submitted	Advice is given in good faith but cannot be binding on the Council until a planning application has been submitted and full consultations carried out. Circumstances may have changed. The development Control Committee may take a different view
3	Have not used the service	Noted
4	In response to our questions regarding the type of scheme the Council may find acceptable, we were told that it is not for the Council to design the scheme for us. Not very helpful!!	The Council cannot design a scheme but can give advice about the issues to be addressed.

What do you perceive as the benefits of using the service?		
Comment	Response	
1	For complicated schemes it effectively gives the LPA more than 8 / 13 weeks to consider a scheme, and does away with the 11th hour amendments suggested by the LPA that hasn't reviewed the application until a week/ fortnight before the decision notice has to be issued	Advice is given in good faith but cannot be binding on the Council until a planning application has been submitted and full consultations carries out.Circunstances may have changed. The development Control Committee may take a different view
2	I can invite clients to meeting, so that when the council contradicts its own advice or makes unreasonable statements, they can hear it for themselves. Otherwise sometimes they would have trouble believing it. It also helps to have written proof of the advice in these circumstances.	Advice is given in good faith but cannot be binding on the Council until a planning application has been submitted and full consultations carries out.Circunstances may have changed. The development Control Committee may take a different view
3	I would like/hope to be able to advise my client more fully, but sadly past experience has shown pre-application advise cannot be relied on.Likewise, applications still take 8 weeks and do not seem to be anymore sucessful as a result of gaining pre-application advice.	Advice is given in good faith but cannot be binding on the Council until a planning application has been submitted and full consultations carries out.Circunstances may have changed. The development Control Committee may take a different view
4	Applicants should use the service as pre-application discussions have considerable value in dealing with showstoppers or other scheme improvements before the application is submitted.	Noted
5	To advise on proposals in the light of the Council's current thinking and to identify key issues that may need to be addressed in an application.	Noted

What do you perceive as the disadvantages of using the service?		
1	Pre-application enquires that come back with the advice that 'you should make an application for us to consider' are pointless.	Advice is given in good faith but cannot be binding on the Council until a planning application has been submitted and full consultations carries out.Circunstances may have changed. The development Control Committee may take a different view
2	Useful advice really needs to be site specific, not simply a cut and paste of general policy that may not even be relevant to the particular proposal being considered.	Advice is given in good faith but cannot be binding on the Council until a planning application has been submitted and full consultations carries out.Circunstances may have changed. The development Control Committee may take a different view

	Comment	Response
3	Generic form that takes as long to complete as the planning forms.	Noted
4	The householder enquiry form is too long-winded.	The householder enquiry form is designed to answer 2 questions - will I need planning permission and Do I need approval under the Building
5	Risk that public consultation is bypassed	Public consultation will be carried out should a formal planning application be submitted
6	The Council could well be pre-disposed to the outcome of an application if an agent has already been advised of issues with the application, despite an application overcoming these issues.	Advice is given in good faith but cannot be binding on the Council until a planning application has been submitted and full consultations carries out.Circunstances may have changed. The development Control Committee may take a different view

How long do you think is a reasonable time to wait for a response to request for advice [we currently aim for less than 21 days]		
1	At the earliest opportunity, but no later than 14 days.	Noted
2	If it takes 6 weeks to gain informal comments on which you cannot rely, clients understandably question the merit in doing so, when a formal decision can be gained in 8 weeks.	New procedures are being put in place to ensure consistent timely advice
3	But for complex proposals a longer period may be appropriate	Noted

Comments on the scale of fees		
1	The planning process requires pre-application discussions with the LPA and other statutory consultees. With the increasing requirement for numerous technical reports and documents to ensure an application is validated the planning process is already a costly exercise for applicants. The LPA provides a statutory duty and therefore should not charge for necessary pre-application discussions.	Noted
2	This would be dependent on whether the client wanted to use the pre-application advice service.The fees are too high. If fees for pre-application advice are to be adopted then there needs to be lower fees and separate fees for written response and meetings, etc.	The proposed fees for up to 4 houses has been reduced on a sliding scale. It is considered that early clarification of the fee and simplicity of the process outweighs the perceived benefits of charging separately for meetings

	Comment	Response
3	<p>The scale of fees seems disproportionate. An application for one house is the same as for a small development and equates to about half of the full planning fee.</p> <p>Presumably with pre-application fees will come a customer charter advising your clients of your duties and obligations with regard to advice and it will be binding on the Local Authority. Are you intending that pre-application advice consults statutory consultees and includes their pre-application advice? If you wish to charge for the service, you will need to provide a service and I feel that you will simply be making your workload more difficult as more applications are submitted with no pre-application enquiry. The current situation gives you the opportunity to influence applications without obligation, charging for advice will dramatically change this and I suspect that your influence to improve applications will be greatly diminished.</p>	<p>The proposed fees for up to 4 houses has been reduced on a sliding scale. It is considered that early clarification of the fee and simplicity of the process outweighs the perceived benefits of charging separately for meetings</p>
4	<p>The advice is not worth any payment unless it is prompt, sensible, an honest reflection of policy rather than personal opinion and a reasonably reliable indication of the chances of an application being recommended to the committee for approval. If this can be guaranteed by the council, I would have no problem recommending it to clients.</p>	<p>Advice is given in good faith but cannot be binding on the Council until a planning application has been submitted and full consultations carried out. Circumstances may have changed. The development Control Committee may take a different view</p>
5	<p>If advice has to be paid for it should be binding. Our clients will not pay for informal advice, if the planning department cannot be held to them.</p>	<p>The proposed fees for up to 4 houses has been reduced on a sliding scale. It is considered that early clarification of the fee and simplicity of the process outweighs the perceived benefits of charging separately for</p>
6	<p>They seem proportionate</p>	<p>Noted</p>
7	<p>Change of Use applications.....£ Agricultural Applications.....£ Incongruous. Householder application is free but building one house isn't. Extending business premises is free regardless of size but building a 100sqm office isn't. The planning department has a role to encourage the development of Rushcliffe not put obstacles in the way of inward investment.</p>	<p>Advice is given in good faith but cannot be binding on the Council until a planning application has been submitted and full consultations carried out. Circumstances may have changed. The development Control Committee may take a different view</p>

	Comment	Response
8	<p>I am sure that pre-application advice is used on speculative developments to avoid costs. A qualified letter from yourselves can often add almost as much to the value of a development as planning consent itself as it can be used to sell a piece of land with 'development potential'</p> <p>A free service also encourages no-hope cases. I am pleased you do not intend to charge householders and small businesses as this is where most of my work comes from.</p>	Noted
9	better if the fees were more closely related to time, esp if you bring in charges for householders and small businesses.	The service will be monitored to match time and costs. No charges are proposed for householders and small businesses
10	<p>The fee levels are entirely disproportionate in relation to the advice being given. The Council has a poor track record with pre-application advice taking far too long and being far too negative to consider it worthy of charging the levels of fees suggested. There is an issue here with monopolies and competitions. It is fundamentally wrong that a Council charges for advice (which the Government encourages) which cannot be sought elsewhere. There are no systems in place (other than internal systems) as a check and balance to the pre-application procedure. The system is therefore open to abuse by the Council. Application fees are now so high that they should embrace other costs borne by the Council. In circumstances where the Council is perfectly happy to refuse permission without discussing matters with the agents/applicants before hand, it is extremely unlikely that this proposal will have any positive effect for applicants or their agents.</p>	The proposed fees for up to 4 houses has been reduced on a sliding scale. It is considered that early clarification of the fee and simplicity of the process outweighs the perceived benefits of charging separately for meetings

Other comments		
1	I constantly have queries about the interpretation of the rules for domestic extensions PD, given that they are unclear, in particular in "marginal" situations	The new Regulations are meant to make the system easier to understand. The Planning Portal has an "interactive house" to assist. The service of whether planning permission is required will still be

	Comment	Response
2	Clients may not want to pay additional costs for pre-application advice and therefore would take the risk of submitting the application and if issues could not be resolved during the first application then withdraw it and resubmit the application as there is no planning fee. And so, more work will be created for the local authority in the form of a 2nd application.	Noted
3	In theory pre app advice makes the planning department more efficient, by reducing the likelihood of inappropriate submissions and the arguments/appeals that follow, so the process benefits the council as much as the applicant, if the advice is sound.	Advice is given in good faith but cannot be binding on the Council until a planning application has been submitted and full consultations carries out.Circunstances may have changed. The development Control Committee may take a different view
4	If saving time & cost is the objective, I would suggest applications are dealt with quicker and more efficiently.Simpler less contraversial proposals should be dealt with in less than 8 weeks	Noted
5	Pre-application advise is an essential guide by the planning officer to ensure that the widely varying policies of the Council are followed in making an application. To do so ensures that the application is more likely to be successful than otherwise. The existing planning fee charge is already a burden on the applicant and any proposal to charge for pre-application advise is unreasonable. An uninformed application is likely to generate additional work/consultation post application and the applicant might chose to follow this route. This is a particularly ill-timed proposal on an industry which is in a severe recession. It is indicative of a publicly funded department being out of touch with commercial reality in the private sector.	Noted
6	Needs a lot more consideration. The proposals seem half baked at best. Charging almost 1/2 the application fee for a house but less than 1/25th for a 100 house estate; seems like profiteering off the infil residential development you are looking for rather than the large scale residential proposals from government you objected to.	The proposed fees for up to 4 houses has been reduced on a sliding scale. It is considered that early clarification of the fee and simplicity of the process outweighs the perceived benefits of charging separately for meetings

	Comment	Response
7	When considering householders, you should distinguish between people acting on their own and those using an architect etc	In practice this would be difficult to distinguish - agents would be likely to suggest their client put in the request if they themselves would be charged for the same service their client would get free
8	Conducting this survey will hopefully provide the Council with some robust evidence and an indication of the direction of travel for future service improvements.	Noted
9	We are of the view that charging for advice is most likely to result in fewer requests for advice, resulting in greater costs for all concerned when applications are submitted and are being dealt with. This runs counter to Govt advice which encourages pre-application advice to ease the path of planning applications.	The discouragement of speculative requests will result in a more efficient use of officer time. The majority of planning applications are householder and advice and these will remain free. It is considered that those who benefit most from the service (developers and agents) should contribute directly to its costs.

STABLE BLOCK, WEST BRIDGFORD HALL

REPORT OF THE HEAD OF COMMUNITY SHAPING

CABINET PORTFOLIO HOLDER – COUNCILLOR J A CRANSWICK

Summary

This report considers the financial implications of converting the Stable Block, West Bridgford Hall, into additional accommodation for the Rushcliffe Community and Voluntary Service (RCVS).

Recommendation

It is RECOMMENDED that Cabinet does not progress the conversion of the Stable Block, West Bridgford Hall, at this point in time.

Background

1. A report was received by Cabinet on 10 November 2009 (Community Hub and Associated Initiatives) which proposed that the Stable Block be considered as future potential additional accommodation for RCVS. It was agreed that a further report would be prepared with details of the financial implications of such a scheme.
2. RCVS has been based in Park Lodge since 1997, with some additional office space in the Civic Centre. £125,000 was allocated in the capital programme for improvements to the Stable Block which previously formed part of the Community Hub and Associated Initiatives project.
3. RCVS is an infrastructure organisation which works to ensure that local voluntary and community groups and organisations get the support they need. It provides its members with a wide range of essential services and development support and acts as the voice of the local voluntary sector.
4. In addition to this representation and advocacy role, RCVS provides the following:
 - A Volunteer Centre – putting potential volunteers in touch with organisations that need them
 - Rushcliffe Voluntary Transport Scheme – 50 volunteer drivers using their own cars to transport people who have no access to other forms of transport
 - First Contact, Community Outreach Advisor, Activity Friends and Rushcliffe Supports – helping older people to retain independence and dignity in the community
 - Community Engagement – involving local people in the work of Rushcliffe Children's Centres, co-ordinating Rushcliffe Race Awareness Forum and Rushcliffe Community Cohesion Network

- Health initiative – working with colleagues from health agencies to ensure local people have a say in how healthcare is delivered in Rushcliffe
 - Whatton Prison Visitor Centre – providing support to visitors at the Prison
5. RCVS also leads the Building Stronger Communities strand of the Rushcliffe Community Partnership and represents Rushcliffe at the Nottinghamshire Partnership on the following National Indicators:

NI1 – people from different backgrounds getting on together

NI4 – people who feel they can influence decisions in their locality

NI7 – a thriving third sector

Project

6. This project would involve renovating the Stable Block to provide additional accommodation with the option of a meeting room area for the use of RCVS and local community groups (27 groups have expressed an interest). This additional resource could also be utilised by Rushcliffe Business Partnership, used for youth activities and be used as a resource for any other partners with links through the Rushcliffe Community Partnership (hired out at a small cost). A business case was developed by RCVS that looked at how such a resource would be used and how income generated by it would cover running costs.

Financial implications

7. RCVS has a service level agreement (SLA) with the Borough Council to deliver the services outlined above and receives a contribution of £44,548 per annum (SLA is up to 2011). RCVS pays RBC £8,200 per annum rent for Park Lodge (lease is up to 2014) and so receives a net amount of around £36,348. RCVS funds its activities through this SLA, a grant from Nottinghamshire County Council and other project specific funding secured.
8. Following initial quotes for the conversion work and allowing for fees and some underpinning required to the building it is estimated by the Council's property department that the project will cost in the region of £230k-250k.
9. £125k was provided in the capital programme for the Stable Block so the remaining costs would have to be found through other sources of funding or capital contingency.
10. The Borough Council is unable to commit to any increase in revenue funding and so any additional running costs incurred by operating across two premises (Park Lodge and Stable Block) would have to be found by RCVS. These costs would be met through income generated from the hiring out of the meeting room and hot desk facilities to local voluntary and community groups. The business case for such a venture is not robust as there is little certainty around the level of income that can be generated especially in the current economic climate. There would be no income generated by additional rent.
11. It is recommended that this project is not pursued. The principal reasons being:

- a. Uncertainty over current budget constraints and considerations
 - b. The lack of a robust business case
 - c. The lack of additional revenue income attached to the project
 - d. RCVS are dependent on grant funding to operate (not just from the Borough Council) and this may be affected in future budget rounds
 - e. The project is estimated to cost up to double the amount allocated to it in the capital programme.
12. This recommendation does not affect the Borough Council's ongoing support for Rushcliffe CVS and its work.

Financial Comments

The business case is based upon an increased demand of other voluntary groups paying to use the facility and it is difficult to see, in the current economic climate, how additional income could be generated to cover the additional costs of running the facility. There would also be no pay back to Rushcliffe on the increased funding required.

£125,000 was provided for in the Capital Programme for this scheme £2,800 of which was incurred in 2009/10 on advance fees. If the scheme does not progress, the balance of £122,200 should be returned to Capital Contingency.

Budgetary provision for the SLA with RCVS, for ongoing services delivered, is unaffected by this decision and can be contained within the Authority's Revenue Budgets.

Section 17 Crime and Disorder Act

There are no Section 17 implications.

Diversity

Rushcliffe CVS provides support for the Rushcliffe Race Awareness forum and coordinates the Rushcliffe Community Cohesion Network.

Background Papers Available for Inspection: Business case for the RCVS resource centre expansion