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Our reference:
Your reference:
Date: 06 January 2012

To all Members of the Community Development Group

Dear Councillor

A meeting of the COMMUNITY DEVELOPMENT GROUP will be held on Monday 16 January 2012 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. Notes of the Meeting held on Monday 21 November 2011 (pages 1 - 8)
4. Rural Broadband

The report of the Head of Partnerships and Performance is attached (pages 9 - 11).

5. Localism Act 2011

The report of the Head of Corporate Services is attached (pages 12 - 23).

6. Request For Scrutiny Of Planning Application Notification Process

The report of the Deputy Chief Executive (PR) is attached (pages 24 - 26).

7. Work Programme

The report of the Deputy Chief Executive (PR) is attached (pages 27 - 28).

Membership

Chairman: Councillor N C Lawrence

Vice-Chairman: Councillor T Combellack

Councillors S J Boote, N K Boughton-Smith, L B Cooper, J E Greenwood,
M G Hemsley, Mrs M M Males, G R Mallender

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.

Mobile Phones – For the benefit of other users please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones - When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.



**NOTES
OF THE MEETING OF THE
COMMUNITY DEVELOPMENT GROUP
MONDAY 21 NOVEMBER 2011**

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, T Combellack, L B Cooper, J E Greenwood, M G Hemsley, Mrs M M Males, G R Mallender

ALSO IN ATTENDANCE:

Councillors J A Cranswick and J E Fearon.

OFFICERS PRESENT:

D Banks	Head of Environment and Waste Management
D Dwyer	Strategic Housing Manager
C McGraw	Head of Community Shaping
V Nightingale	Senior Member Support Officer
P Randle	Deputy Chief Executive (PR)

APOLOGIES FOR ABSENCE:

There were no apologies for absence

18. Declarations of Interest

There were none declared.

19. Notes of the Previous Meeting

The notes of the meeting held on Wednesday 26 October 2011 were accepted as a true record. The notes of the meeting held on Monday 19 September 2011 were accepted as a true record following the addition of the word 'old' to note 13 'Preventing Homelessness'.

With regards to the Action Points

Minute Number	Actions	Response
10. Notes of the Previous Meeting	Officers to report back to Members regarding the Site of Interest for Nature Conservation adjacent to the disused railway line.	Access had now been agreed and officers were working on a management plan with Notts Wildlife Trust. The Deputy Chief Executive (PR) would give a progress report at the next meeting.
12 Review of Service Level Agreements with RCVS and RCAN	12 month review of the SLA's to be placed on the Group's work programme	This would be added to the work programme.

13. Preventing Homelessness	Provide the information regarding the budget for the homelessness service	Head of Community Shaping explained that the use of temporary accommodation had fallen and this was reflected in the overall budget. There had been an 18% reduction from 249,000 in 2009/10 to 211,000 in 2010/11. Bed & Breakfast placements were only used in exceptional circumstances. Members were assured that if required additional funds would be found to support need, however the service had never exceeded its budget.
14. Nottingham and Notts Waste Core Strategy Preferred Approach Consultation	Officers to provide further information regarding the income from the green waste scheme	The Green Waste scheme had been placed on this evening's agenda.
15. Work Programme	Officers to update the work programme	Updated

20. Cabinet Member Questions

Councillor Boote asked

- (1) What would be appropriate uses of the New Homes Bonus for improving infrastructure and community facilities in the larger villages in the borough?

Councillor Cranswick replied that it was appropriate, in Government terms to use the New Homes Bonus for almost any purpose and there were already a wide range of uses established to which it had been put, both revenue and capital. The stated preference was for it be used for community infrastructure project as a reward for accepting increased housing growth. Councils could decide for themselves on how to spend the money, however it was felt that capital projects were more sustainable. The types of projects that fell under this heading would include playing facilities for all ages, transport improvement projects, improved broadband, etc. He felt that it would be impossible to list all the possible options and assured Members that as opportunities arose they would be considered for inclusion.

Councillor Boote then asked if the intention was to spend the New Homes Bonus in proportion to the number of houses built in an area. Councillor Cranswick said no.

- (2) What is going to be done about developing the technique of "implicit consultation" for involving the community in finding solutions to known problems? (This technique was mentioned by Councillor Clarke at the Community Development Group meeting on 26 October.)

Councillor Cranswick answered that there was no technique in relation to implicit consultation. He felt that to imply Councillor Clarke had implied it was a technique was the wrong implication. He stated that the definition of the word to imply was 'to involve or comprise logically' of 'to involve the truth or the existence of something not expressly asserted'. With this definition in mind it was possible to realise that Councillor Clarke was referring to the huge body of opinion expressed locally by businesses and commerce, and the comments from private individuals about the need for something to be done urgently with the A453. This constituted consultation even though it was not 'expressly asserted' ie it was implied. It was 'involved by signification' and no alternative consultation was needed.

Councillor Boote queried who would decide if a problem was so well known that it could be considered that the community had been consulted.

Councillor Cranswick replied that the problems of the A453 were widely known and consultation was used to find out what people wanted. This was an unusual situation and very few issues would fall into this category.

21. **Green Waste Scheme**

The Group had previously requested that this item should be scrutinised to give Members an early indication of the success and implications of the scheme. The Head of Environment and Waste Management gave a presentation about charging for green waste collections. He informed Members that Council had decided as part of the 2011/12 budget setting to introduce a charge of £25 for the first bin and £10 for any extra bins. This had been launched very successfully and as of 15 November 25,837 properties had joined the scheme, which represented a 64% take up rate. This figure was different to that previously given as some households had registered twice in the early phase and a significant amount of data cleansing had been subsequently undertaken. With regards to having the green bins collected from properties Members were informed that only 2 or 3 requests had been received.

With regards to expenditure Members were informed that the scheme cost £30,000 per annum with an additional cost of £22,000 for the launch phase. However, the total gross income so far was £679,000. The green collection rounds had been redesigned and optimised which had resulted in an operational staff saving which had been put towards the Environment and Waste Management savings target. As previously reported there had been a small spike in missed green bins during the launch but these had been dealt with by special collection arrangements. Officers were pleased to say that there was no real evidence that green waste was being put in the residual waste bin and that according to the position at the end of October 2011 there had only been a 2% reduction in the recycling rate.

The Head of Environment and Waste Management explained to Members that an effective system had been put in place to ensure that the scheme was well controlled and that produced management reports. It was intended that the renewal process should be lean and simple for both the Council and the customer, with renewal letters being sent out in January 2012. Customers were being encouraged to use web payments or, to a lesser extent, telephone

payments. Officers were still considering the use of direct debits at some point in the future although it was felt that £25 might be too small a sum for this arrangement. The Deputy Chief Executive (PR) explained that there was a significant number of direct debit payments returned every month for Council Tax payments and if the green bin scheme had a similar number then the maintenance of the scheme would significantly increase the cost. Following a question regarding this being added to the direct debits for Council Tax officers explained that discussions had taken place in the very early stages of the project but it was not possible for these to be merged together as one.

With regard to the current issues and opportunities the Head of Environment and Waste Management stated that it had been decided to not collect people's green bins, unless requested, and to try to encourage people to join the scheme. Members were informed that this last weekend had been the first weekend that no-one had joined the scheme. It had also been agreed to continue with the annual sticker. Opportunities for the future had been identified as:

- Reducing the green waste collections during December to March
- Gain commercial sponsorship for the scheme to cover operational costs
- Continue to grow the scheme eg a Green2go club

Following a question, officers stated that they knew that the green waste was not going in the residual waste bin because the waste operatives were checking. Members queried what was happening to the green waste that was not being collected. Officers stated that they encouraged people to take their waste to the household recycling sites or to compost it.

With regards to reducing the number of collections some Members felt that this could lead to resentment from the public as it would reduce the number of collections per year from 16 to approximately 12, making the cost per collection higher. The Group was informed that for 2011/12 most residents would have 25 collections of green waste, if this was to reduce to once a month in December, January and February it would be 20...Members asked what the reaction had been at South Kesteven when this had been introduced. The Head of Environment and Waste Management stated that there had been a mixed reaction as people appreciated the fact that staff resources could be redirected to street cleansing, however the very mild climate so far had led people to say that the collections had been stopped too early.

With regards to the opportunities it was felt that the Council should offer competitive rates on composters to encourage more people to recycle their waste. Officers explained that, through the website, people were directed to a national company, which was used by most local authorities. The company provided composters, wormeries, etc at very competitive rates. Following a question regarding marketing, Members were informed that an item was regularly placed in Rushcliffe Reports; however, officers agreed to put an item in the next edition.

In respect of unwanted green bins it was agreed that it was costly to retrieve them, they have little value, there would be issues with regard to storage and

people would not expect to receive a second hand bin when joining the scheme.

In relation to commercial sponsorship of the Green Bin scheme it was felt that this was a good idea and should be pursued. However, it was noted that many companies did not want to be associated with rubbish.

It was AGREED that the Community Development Group endorsed the successful launch of the charging for green waste and encouraged development to:

- i. Maximise participation
- ii. Minimise expenditure
- iii. Deliver customer expectations
- iv. Investigate sponsorship of the scheme.

22. Introduction to Flexible Tenancies and Affordable Rents

The Head of Community Shaping gave a presentation on flexible tenancies and affordable rents. She informed Members that this was a new subject and officers would bring a further report to the Group when more guidance had been received. She stated that within the Localism Act the Government were looking to shift power from central government to local councils and communities as part of their reform of social housing. The aims of the reform were to make the allocation system fairer and that social housing was available for those who needed it for as long as they needed it. The reform also gave local authorities and registered providers new powers so that they could make the best use of the housing stock available.

She informed Members that a new flexible tenancy with a minimum fixed term would be introduced. There would also be an Affordable Rent product brought in, which would be set higher than social rent but lower than open market rent. Following a question Members were informed that a review would be undertaken after a minimum of two – five years to ascertain if the tenants' circumstances had changed.

Another proposed change to the current system was that local authorities and registered providers would be able to make more use of the private sector to rehouse homeless households where the authority had a statutory duty to rehouse. However, as the First Lets scheme had shown, this was difficult in Rushcliffe due to the buoyant private sector market in the area.

Members were informed that, in Rushcliffe, from April 2011 households made a bid for social housing using the Choice Based Lettings scheme and when successful were given a 12 month introductory tenancy that was converted to an assured tenancy also known as a home for life. Members were assured that the proposed changes would not affect existing tenants and some protection would be given to vulnerable groups. The Head of Community Shaping stated that officers were working with registered providers to identify vulnerable groups and also to decide on what was a reasonable minimum fixed term period.

Officers felt that there were some advantages to the introduction of flexible tenancies as social housing was a limited resource and this would enable reviews to be undertaken to ensure the best use of properties. It was recognised that there were still challenges in meeting demand for affordable housing. A potential disadvantage to the Affordable Rent product was that the higher rent could make it an expensive product even though it would be capped at 80% of the open market rent. Also some existing social housing could be converted to Affordable Rent tenancies as they became available to relet. Officers stated that they would be working in partnership with the registered providers to ensure that the numbers of conversions within the Borough were not disproportionate to overall numbers the Registered Providers were required to deliver as part of their contractual arrangements with the Homes and Communities Agency.

Members were informed that in the future there would be no government funding for social rented housing and that more affordable homes would be built for Affordable Rent. In turn, Affordable Rents would enable Registered Providers to raise more capital to reinvest in affordable homes.

A new duty for local authorities, as part of the Localism Act, was to produce a Tenancy Strategy which registered providers would have to have regard to when developing their tenancy policies. Officers stated that as this was a new duty they would be able to provide more information on this issue at a future meeting.

The Head of Community Shaping stated that there would be consultation with key stakeholders, service users and local councillors on all these proposals in the Spring of 2012. During the Summer feedback would be fed into the development of the Council's Tenancy Strategy, which would go live in January 2013.

Members agreed that this was a very difficult and complicated issue and it would be of benefit if Members read the plain English version of the Localism Act.

Following a question, officers explained that discussions were underway to consider the possibility of developing a joint Tenancy Strategy with neighbouring authorities. It was noted that this could be beneficial to the registered providers.

In respect of existing tenants Members were informed that there would be no changes to their tenancies. With regard to the turnover officers stated that this equated to approximately 100 units over the 4 year period between 2011-2015.

With regard to details on fixed term tenancies, mutual exchanges, secured tenancies and the right to buy, officers explained that the scheme was in its infancy and they were awaiting more guidance from central government. These issues would be contained within the next report.

It was AGREED that the Community Development Group noted the proposals contained within the report.

23. **Request for Scrutiny of Public Conveniences**

The Chairman presented a report outlining Councillor Boote's request to scrutinise the provision of public toilets. Councillor Boote had also circulated an email informing Members of the research he had undertaken in Richmond Upon Thames. Councillor Boote clarified that his request was not suggesting that the Borough Council should build more public conveniences rather that it should look at a community toilet scheme and potentially pilot a scheme. He stated that when this topic had been considered by the Scrutiny Chairmen and Vice Chairmen's meeting it had been suggested that parish council could be asked if they wished to be involved in a scheme. However, he was not aware of any feedback.

Councillor Lawrence informed the Group that the Scrutiny Chairmen and Vice Chairmen's meeting existed to streamline scrutiny and was not a decision making body. It tried to ensure that topics were not duplicated across the four scrutiny groups and that the most appropriate group scrutinised issues.

Following a discussion it was decided that this was not a statutory duty, nor was it a corporate priority. It was felt that with the current economic climate the Council did not have the resources to implement a scheme. However, Members did feel that a letter should be sent to the parishes informing them of the research undertaken by Councillor Boote in order that they could ascertain if they wished to implement a scheme.

It was AGREED that this issue would not be placed on the Group's work programme.

24. **Work Programme**

The Group considered its work programme. It was agreed to add Consultation on Affordable Rents and Flexible Tenancies, and a review of Choice Based Lettings to the agenda for the Group's meeting on 26 March 2012.

Following a discussion the Group added a review of the relationship between the Borough and the parish councils in June 2012.

In response to a question the Chairman explained that the Council representatives had attended one meeting of the East Midlands Scrutiny Network. The next meeting to be held in December 2011 would focus on the Localism Act and this could provide potential issues for this Group to scrutinise.

The meeting closed at 8.45 pm.

Action Sheet

COMMUNITY DEVELOPMENT GROUP - MONDAY 21 NOVEMBER 2011

Minute Number	Actions	Officer Responsible
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. b) Add a 12 month review of the SLA's between the Council and RCVS and RCAN to the Group's work programme	Deputy Chief Executive (PR) Head of Community Shaping
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.	Head of Environment and Waste Management
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.	Head of Community Shaping
23. Request for Scrutiny of Public Conveniences	A letter be sent to the parish councils including Councillor Boote's research.	Deputy Chief Executive (PR)
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. 	Head of Community Shaping



COMMUNITY DEVELOPMENT GROUP

16 JANUARY 2012

RURAL BROADBAND

4

REPORT OF THE HEAD OF PARTNERSHIPS AND PERFORMANCE

Summary

The Government wants to stimulate private sector investment to deliver the best superfast broadband network in Europe together with increased coverage across the UK by 2015. It is estimated that the private sector will only cover approximately two thirds of premises with access to superfast broadband by this date. This leaves approximately one third of premises potentially within scope for public sector intervention to provide superfast broadband.

This report details the worst affected areas in rural Rushcliffe, and introduces the work Nottinghamshire County Council is leading on to secure funding to support rural broadband in Nottinghamshire.

Recommendation

It is **RECOMMENDED** that Members endorse the work of Nottinghamshire County Council to secure funding to support rural broadband in Rushcliffe

Details

1. Broadband is a high bandwidth connection to the Internet. Broadband is easier and faster to use than the traditional telephone and modem as information can be sent and downloaded much quicker. Standard broadband connection is 2 megabits per second (mbps). Superfast broadband is a connection of a minimum of 24mbps.
2. The Government is currently conducting an overarching Growth Review, and considers broadband infrastructure investment vital in supporting the overall growth agenda. In 2009, according to the Department of Culture, Media and Sport, the Internet's measurable impacts on the UK economy contributed £100 billion (7.2% of the total) to UK Gross Domestic Product (GDP).
3. There are currently some 2 million households nationally which do not have access to a good level of broadband. In Rushcliffe approximately 10,000 individuals cannot access a standard broadband connection. The main wards affected are Soar Valley, Stanford, Thoroton and Wiverton. Where Local Authorities determine that improved access to broadband is an essential component of their development plans and where the market will not deliver, Broadband Delivery UK (BDUK) will aim to use public investment to provide funding towards a network infrastructure upgrade.

4. The BDUK funding is open to upper tier authorities to apply to (ie Nottinghamshire County Council), but Rushcliffe has made mention of the importance of Broadband locally in its Draft Core Strategy.
5. The following table shows the wards which are most adversely affected by lack of broadband provision.

Wards in Rushcliffe in which more than 75% of residents cannot access a 2mbps broadband connection.				
Ward	% of total pop with less than 2mbps	Pop density persons/ha	Ward Area hectares	Population
Soar Valley	93%	1.1	1876	2123
Stanford	99%	0.6	3933	2356
Thoroton	100%	0.4	4625	1958
Wiverton	100%	0.8	4754	3597

Source Point data and published 2001 Census Data

6. BDUK's purpose is to deliver the Government's policies relating to broadband rollout within the UK. Broadly, this will be achieved through two aims:
 1. To facilitate the delivery of 'standard' broadband (2 mbps minimum) across the UK; and
 2. To stimulate private sector investment to deliver the best superfast broadband network in Europe by 2015. This will involve increasing access to high speed connectivity services (such as 'superfast broadband') for households, businesses and communities in poorly served areas across the UK.
7. Nottinghamshire County Council is leading a bid to BDUK for infrastructure investment in Nottinghamshire.
8. Part of the criteria for a successful bid with BDUK is that any submission should include an element of match funding. The Rushcliffe Community Partnership (LSP) has endorsed allocating the final tranche of Local Area Agreement (LAA) reward grant money (up to £152,000) towards progressing Broadband delivery across Rushcliffe.
9. Nottinghamshire County Council has asked all the districts to contribute towards a £2 million match funding contribution to the scheme and this will be considered by Cabinet on 10 January 2012. Rushcliffe Borough Council has been asked to contribute up to £245,000. It is anticipated that £152,000 of this will be allocated from the LAA reward grant and that the remaining £93,000 will be allocated from the Council's capital budget.
10. Nottinghamshire County Council has committed to contributing up to £2.25 million, £4.25 million has been allocated by BDUK, and £8.5 million will be required from the private sector (total estimated project cost for Nottinghamshire is £17 million).

11. Matthew Lockley, Team Manager, Economic Development at Nottinghamshire County Council will update members on the County Council's progress with this project and what it means for Rushcliffe residents and businesses.

Financial Comments

The Council received £152,000 earlier in the year as a LAA reward allocation. If the recommendations to Cabinet on 10 January 2012 are agreed this, together with the additional sum provided by the Council can be used to meet the contribution.

Section 17 Crime and Disorder Act

There are no Section 17 implications.

Diversity

The provision of rural broadband across the Borough will assist residents and businesses. Businesses will benefit from higher levels of connectivity and being able to do transactions more efficiently.

Residents will be able to access Rushcliffe Borough Council's online services as well as other online services which will assist in preventing rural isolation.

Background Papers Available for Inspection:

Cabinet Report 10 January 2012: *Rural Broadband Capital Contribution*

REPORT OF THE HEAD OF CORPORATE SERVICES

Summary

The report sets out the key issues arising as a consequence of the Localism Act which received Royal Assent on 15 November 2011. It should be recognised that many parts of the Act require further clarification by way of regulations to be issued by the Secretary of State;

Recommendation

It is RECOMMENDED that the Community Development Group:

- a) notes and comments on the information set out in the table attached to the report as **appendix A**.
- b) considers any potential areas where further scrutiny may assist the Council in the delivery of its responsibilities and obligations arising from the Act.

Details

1. The Localism Act received Royal Assent on 15 November 2011. The Act and the explanatory notes have been considered in detail in order to identify areas where it is necessary for the Council to take action in order to accommodate new responsibilities or duties. In simple terms the Act provides:
 - new freedoms and flexibilities for local government
 - new rights and powers for communities and individuals
 - reforms to the planning system and aims to ensure that decisions about housing are taken locally
2. In order to aid the Community Development Group's understanding of the Act and its implications, a table has been put together setting out the key issues and what this may mean for the Council. This document is attached as **appendix A**.
3. The various parts of the Act will be implemented over a period of time. In many cases the Government will need to provide further details, such as the exact rules on how different community rights will work, before the relevant part of the Act can be implemented. In some cases, the Government has indicated that they will ask the public for their views and where necessary Parliament will also consider and agree the rules before they are made final. Therefore at this stage the table attached to this report aims to provide an early guide to the key essential elements of the Act rather than a definitive explanation of each part of it. If further reports on specific parts of the Act, or

any supplementary guidance or regulations are required then these will be provided to the relevant committees as and when necessary.

Financial Comments

There are no direct financial implications arising from this report. However the Act is likely to provide opportunities to changes to the work and role of the Council and as such these are likely to carry financial implications.

Section 17 Crime and Disorder Act

There are direct Section 17 implications arising from this report. However the provision of new rights and freedoms as part of the delivery of the Act should support the continued work of the Council to prevent and deter crime and disorder across the Borough.

Diversity

There are no direct diversity implications arising from this report, however the development of localism and the provision of greater opportunities and rights for communities and individuals supports equality and diversity across Rushcliffe.

Background Papers Available for Inspection:

Localism Act 2011

Localism Act 2011 – explanatory notes

DCLG – A Plain English guide to the Localism Act

Preliminary summary of the Localism Act 2011

Reference (explanatory notes)	Issue	Anticipated Timescales (TBC)	What it means
<p>Part 1, Ch 1, Sect.1, Para 10 Sections 1-8, paras 10-22</p>	<p>General Power of Competence Gives Authorities the same power to act as an individual adult, as long as it is within the law. The power may be used in innovative ways and in doing things that are unlike anything a local authority, or public body has done before.</p> <p>The power does not have to be exercised for the benefits of any particular group – it can be exercised anywhere and in any way. It removes the ‘well-being power’ which enabled local authorities to do whatever they considered likely to promote the economic, social and environmental wellbeing of their whole area.</p> <p>However it is subject to statutory restrictions and limitations (so restrictions that apply to existing powers are applied to the general power).</p> <p>The power does not apply to the delegation or contracting out of functions or to the ability to change governance arrangements. These are subject to separate provisions.</p> <p>The power enables full cost recovery for discretionary services but not for statutory services.</p>		<p>Supports innovation and gives the Council the opportunity to think differently about service provision – not just what we are allowed to do but also what we could do that would benefit our community.</p> <p>It aims to give local authorities confidence in their legal capacity to act on behalf of their communities and to act in their own interest to generate efficiencies and savings.</p> <p>Power will potentially extend to eligible parish councils – but eligibility criteria yet to be determined by Secretary of State.</p>

Reference (explanatory notes)	Issue	Anticipated Timescales (TBC)	What it means
Part 1, Ch 4, Sect 15, para 49 Sect 8,Para 52	<p>Transfer of Public Functions This enables local authorities to request the transfer of public functions and property. The Secretary of State is able to transfer public functions to local authorities if it is likely to promote economic development, wealth creation, or increase local accountability.</p>		No change unless RBC is approached to adopt any additional public functions or RBC requests that additional functions are transferred.
Para 58-120 Sect 25,Paras 121-122	<p>Governance Arrangements Local authorities executive must take the form of:</p> <ul style="list-style-type: none"> - Directly elected mayor with 2 or more Councillors appointed to the executive by the Mayor (core cities) or - Executive Leader appointed by Council (for 4 years) and two or more Councillors appointed to the executive by the Leader <p>The Executive can be a minimum of 3 and a maximum of 10. Authorities operating executive arrangements must set up overview and scrutiny committees.</p> <p>If the authority wants to move from an elected mayor to an executive leader, or vice versa model it must hold a referendum to change its governance arrangements. Also a referendum could be triggered by a petition of 5% of electors. Only one referendum on governance arrangements can be held in any 10 year period.</p>		<p>The Act sets of the types of governance arrangements for authorities and some rules about changing these and the need for a referendum in such cases.</p> <p>It provides for the re-introduction of the committee system as a permitted form of governance which requires a resolution of Council. It also requires appropriate consultation. Regulations will be made to specify what under a committee system cannot be delegated from Council.</p> <p>The act is not clear on how such a change would occur and the ‘Changing Executive Arrangements Regulations 2001’ may be reapplied.</p> <p>Those authorities with sub 85,000 residents that presently operate the committee system can move to the executive leader model from any annual meeting.</p>

Reference (explanatory notes)	Issue	Anticipated Timescales (TBC)	What it means
	<p>The act provides the facility for authorities who operate executive arrangements to vary them providing they still provide for the same form of executive without the need for a referendum ie a change to the portfolios or the number of executive members.</p> <p>The act includes provisions in relation to the re-introduction of the Committee System. If an authority wishes to move from an elected mayor to the committee system then a referendum is required.</p> <p>If an authority does move to a committee system then it can have overview and scrutiny committees if it wants to but these are not a statutory requirement.</p> <p>Authorities must maintain a constitution which is available for inspection by members of the public. A copy must be supplied to anyone who request one, but local authorities are allowed to charge for this. Authorities may change their scheme of elections at any time, (previously only during a permitted resolution period) but any change in scheme is valid for 5 years and cannot be changed.</p> <p>The Act clarifies the common law concept of predetermination and refers to 'prior indicators of a view not to amount to predetermination'.</p>		<p>The Act makes it clear that if a Councillor has given a view on an issue, this does not show that the Councillor has a closed mind on that issue. So if a Councillor has campaigned on an issue or made public statements about their approach to an item of council business he or she will be able to participate in discussion of the issues and vote on it if it arises in council business requiring a decision.</p>

Reference (explanatory notes)	Issue	Anticipated Timescales (TBC)	What it means
			<p>The Act aims to make it clear that the normal activities of a councillor; campaigning, talking with constituents, expressing views on local matters and seeking to gain support for those views should not lead to an unjust accusation of having a closed mind on an issue that can lead to a legal challenge.</p>
<p>Part 1,Ch 7, Sect 26, paras 123- 135</p>	<p>Standards The Act means the abolition of the Standards Board and model codes of conduct for Councillors. This will take place on a date specified by the Secretary of State.</p> <p>It places a duty on the Authority to ensure that members maintain a high standard of conduct. Local Authorities need to adopt a local Code of Conduct for their Members, consistent with the 7 Nolan principles.</p> <p>Parish Councils can adopt the code of the principal authority.</p> <p>There is a requirement for Members to register and disclose pecuniary and non-pecuniary interests. There is a duty to establish and maintain a register of members' interests which must be published on the local authority's website. We also have to make a register of members' interests for all parish councils in our area, and publish it on our website, and theirs if they have one.</p>		<p>It is anticipated that the Council will need to write and adopt a local Code of Conduct by April 2012. However the date is not yet certain. The Council will also be required to have in place a system for investigating alleged breaches of the new code.</p> <p>Councillors will have to disclose 'disclosable' pecuniary interests of them or spouse or partner within 28 days of taking office. The Secretary of State will make regulations defining a 'disclosable' pecuniary interest.</p> <p>Councillors are required to disclose a disclosable pecuniary interest that they are aware of at any meeting (of if acting alone when any matter considered relates to their interest). Such declaration prohibits participation in discussion or voting on that matter.</p> <p>Failure to declare without a reasonable excuse a disclosable pecuniary interest, on taking office, or at a meeting can be a criminal offence. A fine of up to</p>

Reference (explanatory notes)	Issue	Anticipated Timescales (TBC)	What it means
			<p>£5,000 can be imposed and an order made of disqualification from being a councillor for up to five years. A prosecution can be brought for up to 12 months.</p> <p>The Act requires that we record and publish a register of Members' interests for RBC and our parishes (we presently record and it is available for inspection but we don't publish it).</p>
<p>Part 1, Ch 8, Sect 38, para 136-139</p>	<p>Pay Policy Statement This places a requirement on the relevant authority to prepare a statement detailing the authorities policy on the:</p> <ul style="list-style-type: none"> - level and elements of remuneration for chief officers - remuneration of its lowest-paid employees (together with a definition of its lowest paid employee and reasons for definition) - relationship between the remuneration of its chief officers and other officers - specific aspects of chief officers remuneration ie increases and additions, performance related bonuses, enhancements and termination payments <p>The policy is not about setting amounts but to show and evidence transparency of the 'policy' regarding remuneration. The policy statement must be approved by Council and published on the website.</p>	<p>In place for 2012/13</p>	<p>Work is being undertaken to develop a policy statement taking into account statutory guidance. Work is also being undertaken to determine if action is necessary to enhance the information provided on the Council's website regarding remuneration for senior posts.</p>

Reference (explanatory notes)	Issue	Anticipated Timescales (TBC)	What it means
	<p>The principle behind this statement is transparency as guidance indicates the policy should not contain numerical data in relation to salaries of senior posts. This information should be available but it is not required to be in the pay policy.</p>		
<p>Part 1, Ch 10, sect 45-47, para 141-143</p>	<p>Repeals (what the Act gets rid of) The following 3 duties have been repealed;</p> <ol style="list-style-type: none"> 1. Requirement to promote democracy; 2. Requirement to have a scheme of handling petitions; 3. Schemes to encourage domestic waste reduction. 	<p>1 and 3 come into force on 15/1/12</p>	<p>The repeal in relation to the promotion of democracy means the Council is no longer required to provide information to people on how its governance system works and how people can get involved.</p> <p>The repeal in relation to the petitions removes the requirement to make publish and comply with a scheme for handling petitions and to provide an electronic form for doing so. Therefore there is no longer a requirement to have in place the petitions scheme which was introduced by Council in June 2010.</p> <p>The repeal in relation to schemes to encourage domestic waste reduction removes sections 71 to 75 of the Climate Change Act (CCA) 2008. This removes the power to pilot charge and reward waste reduction schemes. Authorities will still be able to introduce such schemes but will no longer have to complete the process required under the CCA 2008.</p>

Reference (explanatory notes)	Issue	Anticipated Timescales (TBC)	What it means
Part 4, Sect 69-71, para 159-161	<p>Non-domestic rates Local Authorities can now grant discretionary rate relief under any circumstances where it is in the interest of the council tax payers in the area. There is a new provision for small business rate relief.</p>		There will need to be a review of the policy for granting discretionary rate relief to businesses. Include provisions for rate relief for small businesses.
Part 5, Ch1, Sect 72, para 162-198	<p>Council Tax There is a new duty on precepting authorities to determine whether the basic amount of council tax for any financial year is excessive. If it is excessive they must hold a referendum to see if residents will agree to pay the increase.</p> <p>The criteria to determine an excessive council tax rise will be set by the Secretary of State. If an authority other than the billing authority set an excessive council tax increase, it must inform the billing authority as the billing authority is required to hold a referendum.</p>	<p>Guidance on excessive not yet published.</p> <p>Anticipate in place for 13/14 budget setting</p>	<p>Abolishes the concept of Council Tax capping by the Government.</p> <p>Awaiting the criteria from the Secretary of State on what constitutes an 'excessive' Council Tax increase.</p>
Part 5,Ch 2, Sect 81-86, para 219-223	<p>Community Right to Challenge We have a duty to consider an expression of interest submitted by a community or voluntary body, charity, parish council, or employees of the authority in relation to providing a service on behalf of the local authority.</p> <p>On receiving an expression of interest the relevant authority can accept it, reject it, or modify it. If the authority accepts the challenge it must undertake a</p>		<p>Consideration will be given on how to deal with any such challenges and how this links to the transformation agenda and the four year plan.</p> <p>It also requires the Council to consider a process for dealing with such expressions and the timescale for responding to them.</p>

Reference (explanatory notes)	Issue	Anticipated Timescales (TBC)	What it means
	<p>procurement exercise of the service or function under question.</p> <p>The authority must consider how the change may promote or improve the social, economic or environmental wellbeing of the area.</p>		
<p>Part 5, Ch 3, Sect 87-108, para 224-238</p>	<p>List of Assets of Community Value There is a duty on authorities to maintain a list of assets of community value. The authority can determine the form and content of the list.</p> <p>Nominations to have land included on the list can be made by a parish council, or a voluntary or community body with a local connection. Regulations will set out a list of factors that may be referred to when setting out land not of community value. The Authority will have to give written reasons why land is not of community value.</p> <p>The authority must also maintain a list of assets that have been nominated unsuccessfully which clearly states why they have been unsuccessful. Both lists must be published and made available free of charge.</p>		<p>This will require local authorities to maintain a list of assets of community value put forward for consideration by communities. The list can include land.</p> <p>When listed assets come up for disposal, communities will be given the chance to develop a bid and raise the capital to buy the asset when it comes on the open market.</p>
<p>Part 6, Ch 1, Sect 109- 113, para 239-253</p>	<p>Abolition of Regional Strategies The abolition of the regional planning tier, removing the regional development agencies and county structure policies.</p>	<p>In force from 15/11/11</p>	<p>The most significant implication for the Borough Council is the requirement to define its own housing target as delivered through the Local Development Framework process.</p>

Reference (explanatory notes)	Issue	Anticipated Timescales (TBC)	What it means
	<p>It provides for a duty to co-operate with other local planning authorities, county councils and other bodies with statutory functions.</p> <p>The Authority is no longer required to submit the local development scheme to the Secretary of State. It must be submitted for independent examination by a planning inspector. Authorities do not have to implement the inspector's recommendations, but will only be able to adopt the plan if the inspector has recommended adoption.</p>	Comes into force 15/1/12	The duty ensures that local authorities and public bodies cooperate with each other. It is a key element of proposals for strategic working once Regional Strategies are abolished. Alongside the incentives such as the New Home Bonus and Business Rates, it aims to act as a strong driver for growth.
Part 6, Ch 2, Sect 114-115, Para 254-258	<p>Community Infrastructure Levy (CIL) We have to draft and get approved a charging schedule for the CIL, by an independent examiner.</p>		This largely replaces the s106 negotiations regarding the infrastructure requirements associated with new development.
Part 6, Ch 3, Sect 116-121, para 263-305	<p>Neighbourhood Planning Allows Neighbourhood Development Plans to be produced.</p> <p>These plans will be made by local authorities on the initiative of parish councils or neighbourhood forums. Neighbourhood development plans set out policies in relation to the development and use of land in that defined neighbourhood or parish area.</p> <p>There is a duty for local planning authorities to provide advice and assistance to qualifying bodies in developing plans.</p>		Greater involvement from the community in influencing decisions that affect the area in which they live.

Reference (explanatory notes)	Issue	Anticipated Timescales (TBC)	What it means
	Plans will be scrutinised by an independent examiner, who will recommend modifications and/or a referendum.		
Part6, Ch 4, Sect 122, Para 306- 310	Consultation The Act requires prospective developers to consult local communities before submitting planning applications for certain developments.		Self-explanatory
Par 6, Ch 5, Sect 123- 127, Para 311-335	Enforcement The local planning authority may decline to determine a retrospective planning application if an enforcement notice has previously been issued. A local planning authority may remove any display structure which is used for the display of illegal advertisements. Local planning authorities can take action against graffiti which it considers to be detrimental to an area.		
Part 7, Ch 1, Sect 145- 149, Para 371-373	Housing The Act reforms the allocation of social housing and the definition of qualifying persons. Under the Act the authority is able to fully discharge its homelessness duty by securing suitable accommodation from a private landlord without requiring the applicant's agreement		Rushcliffe will be able discharge its homelessness duty by securing residence in private accommodation.



COMMUNITY DEVELOPMENT GROUP

16 JANUARY 2012

REQUEST FOR SCRUTINY OF PLANNING APPLICATION NOTIFICATION PROCESS

6

REPORT OF DEPUTY CHIEF EXECUTIVE (PR)

Introduction

At the meeting of the Scrutiny Chairmen and Vice Chairman held on the 9 December 2011, Councillor Wheeler made a request for the notification process relating to planning applications to be scrutinised. After some discussion it was suggested that the request should be referred to this group to determine whether the topic should be included on the work programme. Furthermore, if the topic is accepted, the Group is requested to determine the scope and desired outcomes of the review.

Recommendation

It is RECOMMENDED that

- a) Members consider whether the notification procedures in Development Control should be a substantive scrutiny item for inclusion on the work programme and if so,
- b) The scope and focus of the review.

Detail

As Members will recall, there is a process for determining whether a suggested topic should be included on the work programme of a scrutiny group. This involves answering some initial questions and then, if appropriate, completing a prioritising matrix.

Initial questions to ask

A. Why would we do this?

There appears to be some general concern from some Members about the notification processes associated with planning applications. These include:

- Duplication of electronic and paper copies
- The criteria for notifying 'neighbours'.
- Members not being aware of who has been notified and who has objected
- Members and objectors not knowing when an application is going to the Development Control Committee

B. How does this link to the Council's Corporate Strategy?

This is not a strategic task in the Corporate Strategy. It could contribute to Priority 4 – 'Increase community involvement in decision making' and Priority 6 – 'Deliver efficient and effective high quality services'.

C. What tangible benefits could result for the community or our customers?

Improved awareness of planning applications and ability to comment for residents and Members.

D. What evidence is there to support the need for a review?

The matter has been raised by Councillor Wheeler recently and by other Members in the recent past. From time to time the Council receives complaints from residents who feel they should have been consulted about a planning application. There has not been any work carried out to establish the full extent of dissatisfaction with the current procedures from residents or Members.

E. What would we wish to achieve and why?

A procedure which is statutorily compliant and which balances the right of residents and Members to comment on planning applications with the reasonable allocation of resources for the task.

F. Are resources available to undertake a scrutiny exercise and will the work programme accommodate it?

The work programme could accommodate it. Initially, the task could be contained within the Development Control section with Members being provided with an explanation of the rationale underpinning the current procedures. Provided there is not a requirement to undertake significant research or public opinion surveys, it should be possible to undertake the review using existing resources.

Are there any reasons to reject the topic?

G. Is it in the Scrutiny Group's terms of reference?

Yes.

H. Is it already being addressed?

Some consideration has been given to this matter by officers following previous concerns from Members and some minor changes to the procedure have been made. The issue has not been considered by a scrutiny group.

I. Is it part of a legal process/ complaint/ grievance procedure?

There is a statutory minimum requirement for publicising planning applications which is currently being exceeded. There are no known outstanding complaints.

J. Is it unlikely to result in real or tangible benefits?

This depends upon the perception of the current service, the findings of any review and if considered necessary, the likelihood of additional resources being made available to improve the procedures.

K. If a detailed scrutiny exercise was needed is there sufficient capacity to support such a review?

See answer to question F above. It would not be possible to allocate corporate capacity outside of the Development Control section without a reprioritisation of resources.

Summary

A request has been made for the notification procedures relating to planning applications to be scrutinised. Members are asked to consider whether the request should be supported and if so, what particular aspects of the current arrangements should be the focus for the review.

Financial Comments

There are no financial implications

Section 17 Crime and Disorder Act

There are no crime and disorder implications

Diversity

There are no diversity implications

Background Papers Available for Inspection: Nil

REPORT OF THE DEPUTY CHIEF EXECUTIVE (PR)

The work programme for the Community Development Group is developed around the corporate priorities that fall within its remit and takes into account the timing of the Group's business in the previous municipal year and any emerging issues and key policy developments that may arise throughout the year. It is anticipated that the work programme for the new year will be developed in line with the priorities identified in the 4 year plan for budget savings.

Recommendation

It is RECOMMENDED that the Group notes the report.

Date of Meeting	Item
16 January 2012	<ul style="list-style-type: none"> • Rural Broadband • Localism Act • Request for Scrutiny of Development Control's process of notification • Work Programme
26 March 2012	<ul style="list-style-type: none"> • Annual review of Choice Based Lettings • Carbon Management Action Plan progress • Work Programme
17 July 2012	<ul style="list-style-type: none"> • Review of the relationship between the Borough and the parish councils • Consultation on Affordable Rents and Flexible Tenancies • Work Programme
30 October 2012	<ul style="list-style-type: none"> • Work Programme
6 December 2012	<ul style="list-style-type: none"> • 12 month review of the SLA's with RCVS and RCAN • Work Programme
5 February 2013	<ul style="list-style-type: none"> • Work Programme
9 April 2013	<ul style="list-style-type: none"> • Work Programme

Financial Comments

No direct financial implications arise from the proposed work programme

Section 17 Crime and Disorder Act

In the delivery of its work programme the Group supports delivery of the Council's Section 17 responsibilities.

Diversity

The policy development role of the Group ensures that its proposed work programme supports delivery of Council's Corporate priority 6 'Meeting the Diverse needs of the Community'.

Background Papers Available for Inspection: Nil