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Our reference:
Your reference:
Date: 26 November 2012

To all Members of the Council

Dear Councillor

A meeting of the CABINET will be held on Tuesday 4 December 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. Minutes of the Meeting held on Tuesday 6 November 2012 (previously circulated).

Key Decisions

4. Support to Nottinghamshire County Cricket Club
The report of the Deputy Chief Executive (CB) is attached (pages 1 - 6).

Non Key Decisions

5. Exercise of the Chief Executive's Emergency Powers: Pooling of Business Rates
The report of the Chief Executive is attached (pages 7- 9).
6. Update on Cotgrave Town Council Regeneration Project and Future Governance Arrangements
The report of the Head of Transformation will follow.
7. Bridgford Hall Results of Soft Market Testing and Next Steps
The report of the Head of Transformation is attached (pages 10 - 14).

8. Neighbourhood Planning: Designation of Keyworth as a Neighbourhood Area
The report of the Deputy Chief Executive (PR) is attached (pages 15 - 24).
9. Neighbourhood Planning: Designation of East Leake as a Neighbourhood Area
The report of the Deputy Chief Executive (PR) is attached (pages 25 - 29).

Budget and Policy Framework Items

10. Revenue and Capital Budget Monitoring to September 2012
The report of the Director of Finance is attached (pages 30 - 37).

Matters referred from Scrutiny

11. Community Right to Challenge - Procedure
The report of the Head of Corporate Services is attached (pages 38 - 45).
12. Assets of Community Value - Procedure
The report of the Head of Corporate Services is attached (pages 46 - 53).

Membership

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

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please 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 are located opposite Committee Room 2.

Mobile Phones: For the benefit of others 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.

**MINUTES
OF THE MEETING OF THE
CABINET
TUESDAY 6 NOVEMBER 2012**

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

PRESENT:

Councillors J N Clarke (Chairman), D G Bell, J A Cranswick, J E Fearon, D J Mason and Mrs J A Smith

ALSO IN ATTENDANCE:

Councillor J R Bannister, A MacInnes, and R M Jones

Eight members of the public also attended the meeting

OFFICERS PRESENT:

A Graham	Chief Executive
C Bullett	Deputy Chief Executive (CB)
P Randle	Deputy Chief Executive (PR)
K Marriot	Head of Transformation
P Steed	Director of Finance
D Swaine	Head of Corporate Services

APOLOGIES FOR ABSENCE:

There were no apologies for absence

27. Declarations of Interest

There were none declared.

28. Minutes

The minutes of the meeting held on Tuesday 16 October 2012 were approved as a correct record and signed by the Chairman.

29. Local Development Scheme

Councillor Bell introduced the report of the Deputy Chief Executive (PR) which indicated that the Local Development Scheme (LDS) set out the Development Plan Documents the Council intended to prepare as part of the Local Plan. He added that the scheme also set out the programme for the preparation of these documents.

Commenting further Councillor Bell confirmed that the current LDS was brought into effect in September 2006 and as such was out of date and required updating. Further details of the proposed amendments to it were set out in the report with table one detailing the documents to be included in it. This table also set out the proposed timetable for the production of these documents

Councillor Bell stated that the Government required that the LDS be kept up to date and, as such, expected that it would be periodically reviewed, ideally through the Council's Annual Monitoring Report (AMR) for the Local Plan. He stated that the Planning and Compulsory Purchase Act 2004 required local planning authorities to prepare, submit and produce a Local Development Scheme. Consequently the Local Development Framework Group, at its meeting on 22 October had considered a revised LDS and had unanimously agreed it be referred to Cabinet for approval.

It was RESOLVED that Cabinet approved

- a) the principal revisions to the Rushcliffe Local Development Scheme, and
- b) delegate authority to the Deputy Chief Executive (PR), in consultation with the Cabinet Member for Sustainability, to amend the detailed content of the Local Development Scheme.

30. Access Rights Over Council Owned Land to Shop Unit Behind the Halifax, Central Avenue, West Bridgford

Councillor Cranswick introduced the report of the Head of Transformation which indicated that the Council had been approached for permission to grant pedestrian access rights across a strip of land adjacent to the Croquet Lawn in West Bridgford. By referring to the plan attached to the report he stated that right of access was required over council owned land to a land locked area to the rear of the Halifax building. He added that the request was from a developer who wished to develop a retail unit which, indicatively at the present time, consisted of a ground and first floor unit.

Commenting further Councillor Cranswick stated that access to this area of land could only be had by the Council granting a right of access over the area hatched red on the plan. He stated that this area consisted of a shrubbery and a partially grassed / partially hard standing area to the right of the footpath. Therefore the proposal envisaged removal of the shrubbery and the provision of a hard surface over the whole area.

Councillor Cranswick stated that he was aware of the sensitivities surrounding this particular area of West Bridgford, however he did not believe that what was proposed would have a significant effect on the Croquet Lawn. He acknowledged that there would be a need to consider how to relocate the market traders who use the present hard standing in this area but he did not believe that would present an insurmountable problem. He added that in terms of the good management of the Council's estate and achieving best value the proposal would make good sense subject to suitable terms and conditions being agreed.

Councillor Cranswick went on to emphasise that the matter before Cabinet was in principle a property management decision. He stressed that the developer would still need to submit a detailed planning application for consideration by the planners in the usual way and any decision made by Cabinet as the executive should have no bearing whatsoever on that application. Therefore he reminded Cabinet that the report's recommendation

made specific reference to the requirement for planning consent to be granted and other terms and conditions being agreed. He added that one of those terms and conditions specifically referred to a requirement for a pre-let by the developer to ensure the unit was not left empty.

In conclusion Councillor Cranswick reminded Cabinet that the Council had a duty in general terms to support and develop the economic viability of its area and West Bridgford was a very important part of that area. In this instance there was a possibility of facilitating the availability of additional retail units in a way which used a Council asset to provide best value as required under the terms within the Council's Constitution. This was without it having a significant effect on what was recognised as a cherished local facility. In view of this he stated he supported the report's recommendations and believed that Cabinet should agree them.

Councillor Mason stated that it was important to recognise that this was, in effect, the first stage of a proposed development and planning permission would be required. Responding to a question from Councillor Mason, the Chief Executive stated that the matter before Cabinet was to determine if they were in agreement with the proposals within the report, in order to ensure detailed terms could be negotiated. He added that the agreement of the terms and conditions would be subject to the granting of planning permission for the proposed shop units and this would be a matter to be determined separately within the Council's development control process. Councillor Cranswick concurred with this view adding that the Cabinet were asked to approve in principle the access rights subject to the terms and conditions being agreed and planning permission being granted.

Councillor Clarke stated that support in principle for the granting of access rights could facilitate additional shop and office units in the Central Avenue area of West Bridgford and this underpinned delivery of the Council's corporate priority of supporting the economy. He added that he recognised the need to retain valued local amenities; but this needed to be balanced against effective asset management and the potential benefits developments could bring to an area and its residents.

It was RESOLVED that Cabinet:

- a) approved in principle that access rights may be granted in perpetuity across the strip of land adjacent to the Croquet Lawn subject to:
 - i. terms and conditions being agreed;
 - ii. planning permission for the proposed shop units being granted, and
 - iii. a pre-let being secured by the developer
- b) authorised the Head of Transformation in consultation with the Cabinet Holder for Resources to draw up the appropriate agreement having regard for the principles of best value as set out in the Council's Asset Management Strategy and protecting the Council's other property interests in the area.

31. **Medium Term Financial Forecast**

Councillor Cranswick introduced the report of the Director of Finance which stated that under the Council's Financial Regulations budgetary decisions were considered in the context of a five year projection of revenue and capital budgets. He added that the Medium Term Financial Forecast (MTFF) detailed in the report provided an updated position from that presented when the Council set the 2012/13 budget on 1 March 2012. It also provided details of potential actions that the Council could take to set a balanced budget for 2013/14.

At the request of Councillor Cranswick the Director of Finance explained that the report was in effect the first stage of recasting the Councils medium term financial plans. Referring to paragraph 35 of the report he reminded Cabinet that it was important to note that there was a considerable degree of uncertainty over the timing of funding announcements for the 2013/14 year and the financial impact of these announcements on funding levels. Therefore the MTFF should be viewed in broad terms rather than as providing a detailed forecast for the next five years. It is also important to note, that it was envisaged these uncertainties would be fully addressed by the time Council met to set the 2013/14 budget.

The Director of Finance explained that in summary the report aimed to clarify the current and emerging issues which would influence and inform the MTFF. It also set out on pages 8 to 11 the emerging position by outlining the further details that had been provided on the major funding issues. In respect of Council Tax he explained that the MTFF was based on the Authority freezing its council tax in 2013/14 and increasing levels by 2% per annum from 2014/15 onwards. However this would be a matter for Council to decide as part of its budget setting process.

Councillor Cranswick highlighted that interest receipts continued to decline and this was expected to remain the case in the medium to long term. He added that in cash terms this would lead to additional budget pressures however, proposals to partially offset the impact were set out at paragraph 20 of the report.

Commenting further Councillor Cranswick stated that he believed the report was a very helpful paper which would aid Councillors' understanding of the financial position, the pressures the Council faced and how it could manage these. He recognised that the current economic climate and the changes to how local authorities were financed, presented many imponderables, however the report evidenced how the Council was well placed to meet the forthcoming challenges.

Councillor Mason stated that she valued the document and she recognised the many questions the present economic climate posed. She added that the recent budget workshops for Councillors had proved very helpful in increasing understanding of the challenges the Council faced and the report showed a progressive and planned approach to meeting these.

Councillor Clarke recognised that during a period of uncertainty it was difficult to make accurate forecasts, however he strongly believed that the report would

prove very useful as it would positively inform the forthcoming budget setting process.

In conclusion Councillor Cranswick stated that the Council's continued prudent financial management had ensured it was very well placed to deal with the potential gaps between income and expenditure. Furthermore the four year plan was built around the operation of the three key principles of business cost reduction, income generation and service redesign. Whilst the Council had some hard decisions to make, he believed, it was well placed to deal with these if it maintained its commitment to the principles of the four year plan and its prudent financial management

It was RESOLVED that Cabinet endorsed the interim Medium Term Financial Forecast for 2013/14 to 2017/18.

The meeting closed at 7.30 pm.

CHAIRMAN

REPORT OF THE DEPUTY CHIEF EXECUTIVE (CB)

CABINET PORTFOLIO HOLDER – COUNCILLOR J A CRANSWICK

Summary

When the partnership loan of £1.23m to the Nottinghamshire County Cricket Club was approved in 2007, provision for a 5 year review of the terms of the loan was made. Following the significant successes of the partnership and the Positive Futures project in particular, the Club has requested that as part of the review, consideration be given to conversion of all or part of the loan to grant. In addition the Club has requested further support to ensure that a new stand is built in time to satisfy the conditions of their successful bid to host an Ashes test in 2015.

This report considers these requests and explores how they might be addressed.

Recommendation

It is RECOMMENDED that Cabinet:

- a. Determine whether the sum of £450,000 of the existing partnership loan to the Nottinghamshire County Cricket Club should be converted to grant in accordance with the possible resolution presented in this report, or some other amount;
- b. Determine whether further amounts of £90,000 per annum for a maximum of 4 years should be converted to grant in accordance with the possible response presented in this report, or some other amount;
- c. Determine that any such amounts approved under recommendations a) and b) should be conditional upon the Positive Futures project continuing at its current standard, but consideration should be given to expanding the geographical scope and nature of the project;
- d. Determine whether in principle further funding should be made available under a separate agreement to support the provision of a new stand at the ground; and
- e. The Section 151 Officer be given delegated authority to negotiate the interest rates payable and capital repayment terms in respect of these loans, in consultation with the Chief Executive and the Portfolio Holder for Finance.

Details

Background

1. This report covers two financial aspects of the partnership with the Nottinghamshire County Cricket Club (NCCC): a review of the existing partnership loan and a request from the Club for further financial assistance towards the building of the new stand that is required so that the Club can retain the Ashes test in 2015. It should be noted that there is also a much earlier loan to the Club that currently stands at £214,500 and which will be repaid by 2019.
2. When the original partnership loan was approved by Cabinet in July 2007 the following package was supported:
 - A loan of £1.23m;
 - Interest to be repaid annually at 5.5% (or reduced rate subject to negotiation – subsequently settled at 4%);
 - The Borough to receive community benefits (to be negotiated);
 - No principal to be repaid for a period of 5 years;
 - A review after 5 years, to ascertain the success of the community benefits and take a further decision in respect of the community benefits. A decision to convert all or part to a grant or amend repayment terms could also be taken at this review; and
 - Loan to be secured by a charge on the property (to safeguard the Council's investment)
3. At the end of December 2012 after the 5 year period, this loan reverts to the normal principal repayments and interest would be charged at the six month PWLB¹ rate (currently 1.435%) plus 0.25%. The loan would continue until 2027. The annual value of community benefits in the loan agreement is £116,500, although the Club has spent more on these than contractually required. The community benefits were designed to engage young people in a social awareness project (Positive Futures), provide support to clubs and encourage participation in sporting activities.
4. It should be noted that unlike income from the Council's other investments payments from NCCC are liable to tax which currently stands at 20%. As a result the net yield for the Council from the current arrangements is the equivalent to an interest rate of 3.2%.

Request from NCCC

5. In relation to the review of the existing partnership loan, NCCC have requested that:
 - £750,000 should be converted from loan to grant to reflect the significant outputs (community benefits) already delivered;
 - the remaining £480,000 continues to be serviced by the Club on an interest only basis until December 2016
 - In consideration for the Club continuing the Positive Futures programme, the remaining £480,000 be converted to grant in 2016

¹ PWLB = Public Works Loan Board

- In the interim, there be no principal repayments and interest be fixed at 3% per annum.
6. In relation to the request for assistance towards building the new stand, NCCC have requested funding from Rushcliffe, the County and the City Councils:
- Just over £2m each (although the cost of the new stand is currently an estimate and therefore the cost is uncertain and could increase or decrease depending upon the specification adopted);
 - A 5 year capital repayment holiday; and
 - Interest to be charged at 3%.
7. The new stand is required to bring the ground up to the capacity promised in the Club's successful bid for the Ashes test in 2015. The Club has approached the Councils in response to the existing successful partnership, as potential lenders of last resort and because of their interest in promoting the local economy: if the Club is unable to obtain finance it is possible that without the stand, the Ashes fixture in 2015 could possibly be lost at the cost of a significant impact on the local economy.

Benefits received / future benefits

8. The success of the Positive Futures programme has without doubt been the "jewel in the crown" of the partnership. Not only has this succeeded in turning round the lives of many young people in Cotgrave, the impact on levels of crime and quality of life in the Town has been very significant: the programme has won awards and is a national exemplar for how to address the issue of disaffection. Since the Positive Futures project began in Cotgrave there has been a 64% reduction in offences committed by young people. This is more than double the reduction that has been seen across Rushcliffe as a whole (-29%). There has also been a 40% reduction in reported anti-social behaviour in Cotgrave over the same period, which compares to 32% across Rushcliffe. (Source Nottinghamshire Police).
9. In addition to Positive Futures, the Club has had major success with clubs and encouraging cricket and healthy lifestyles throughout the Borough. The Partnership Delivery Group has received annual presentations on the achievements from the Club and has been impressed with its success. At its meeting in July, "it was agreed that the Group would encourage Cabinet to look positively at the significant social and community benefits arising from the partnership and would encourage them to do all possible to facilitate the long term continuation of the partnership benefits when reviewing the loan arrangement." (Minute 3 of the Partnership Delivery Group 3 July 2012).
10. NCCC have provided their estimate of the cost value of community benefits provided to Rushcliffe during the period 2008 - 2011 (as opposed to either of the other two councils). This amounts to the £750,000 requested and is analysed in the table below and compared with the community benefit inputs required by the agreement over the same period:

	NCCC claim £'000	Agreement £'000
Social Awareness project (Positive Futures)	236	132
Coaching and development staff (schools and clubs)	214	220
Additional cricket development (e.g. grants to clubs, leveraging in funds)	166	Nil
Matchday opportunities (e.g. tickets)	63	50
Supporting local participation (e.g. roadshows, supporting schools and clubs with fundraising)	48	54
Use of Trent Bridge facilities	24	10
TOTAL	751	466

11. It is clear that the cost of inputs to community benefits has exceeded by a significant margin the amount that the Club was under obligation to provide. However, some of this was secured by leveraging further funding from external bodies. In particular grant funding of £175,000 (to November 2012) was received from the football foundation towards Positive Futures and a £50,000 WREN grant to Ellerslie cricket club is included. The football foundation funding has now ended, and while the Club is continuing to fund the scheme from their own resources, the Club's Chief Executive has recently written to the Council to confirm that efforts to obtain replacement funding from other sources to allow the scheme to continue have been unsuccessful, putting the continued existence of Positive Futures in its current, successful form at high risk.
12. More positively, NCCC obtained a research report by the University of Central Lancashire entitled "An evaluation of Cotgrave Positive Futures July 2009 – December 2010" that concluded that the overall savings achieved by the reduction in all crime over 12 months was between £310,220 and £573,845. Whilst such a saving does not accrue directly to the Borough, it demonstrates the overall value to the public purse and therefore taxpayers of Rushcliffe.
13. The Club suggest that, based on a study commissioned by EMDA², the local economy benefited by £6.2m from the world Twenty20 in 2009 and an Ashes test would provide greater benefits than this. The Club believes that the economic benefits 2012 – 2016 arising from the matches it has secured would be in the region of £30m. The direct impact within Rushcliffe is not known. Such benefits would not be achieved in future if the Ashes test and other future significant matches are not secured due to lack of capacity at the ground.

A Possible Response to the Cricket Club's request

14. It is clear that all parties have enjoyed the recognition and success of the Positive Futures project, the new stand and international tournaments. Therefore if Members believe it is desirable to maintain positive partnership relationships, continuing community benefits and further economic stimulus from international matches then it may be acceptable to accede to the Club's request to convert to grant elements of the existing partnership loan. However, it is necessary to assess how much might be reasonable. This should be

² EMDA = East Midlands Development Agency

related to the benefits received that would otherwise have been unavailable to the Council and not be excessive. The above paragraphs indicate that the commitment in the loan agreement for the period to 2011 amounts to circa £450,000. This sum is considered to be justifiable on the grounds that to achieve the same benefits the Council would have had to incur at least the same level of cost. Indeed, it is arguable that the Council could not have been so successful as the club and that the overall benefits to both the club and Council far exceed this sum.

15. To secure the continued success of the Positive Futures project, the conversion of £450,000 to grant should be made conditional upon its continuation at the current standard and to assist with the funding of the project, further conversion of £90,000 per annum (the average annual cost of the scheme) would be reasonable. However, it is suggested that this should not continue indefinitely and a limit of a further 4 years imposed at which point the loan would revert to normal repayment terms unless Cabinet reconsiders the agreement again. Members may consider that different figures are more appropriate. Consideration should also be given to expanding the geographical scope and nature of the project.
16. The interest rate and principal repayment on the existing loan also needs to be determined. The Club is anticipating a rate of 3% and it is proposed that this could continue until any further review takes place or until interest rates rise to exceed this figure. In this way the Council would obtain a higher rate than currently available in the market in the short term.
17. Members are invited to determine whether in principle they support the provision of further loan support to NCCC and the outline conditions that might attach to such support. If Cabinet is supportive, the loan might be granted to help secure the economic benefits, but not further community benefits. It is proposed that any such loan should be on a more "commercial basis": there would be no principal repayment holiday, no review as with the current loan and interest would be on the basis of PWLB rate plus, possibly with a minimum rate of 3% that would serve to provide a better return to the Council in the short term.
18. As negotiations on detail would be necessary, it is suggested that the most appropriate way of agreeing details of the interest rate and repayment conditions in respect of the existing loan and the potential future loan would be to delegate this aspect to the Section 151 Officer in consultation with the Chief Executive and the Portfolio Holder for Finance.

Security of loans

19. The partnership loan is secured as a charge on the NCCC ground. This would be sufficient to secure the potential additional loan. In addition, the Club has provided financial projections to support their request for a further loan. However, it should be noted that the projection is very much subject to the ability to put on "big" matches (such as the tests). The projections assume that loans are treated and on the terms stated above, with the County and City Councils also supporting in the same way.

Financial Comments

The financial implications of this report are primarily addressed within the report itself and in reaching their decision Cabinet will need to balance a number of issues including the levels of past and future community benefits, the financial impact of major sporting events and the levels of resources foregone. It has previously been recognised by the Partnership Delivery Group that the arrangements have already provided a significant level of value for money. The report indicates that there is potential for this value for money to continue into the future. In addition any improvements to the ground could result in additional financial benefits through arrangements for the retention of local business rate growth.

Under the current arrangement NCCC have made interest payments of £49,200 per annum (£39,360 after tax). From January these will reduce to the equivalent of £20,725 (£16,580 after tax), an amount that still exceeds the current levels of return achieved within the Council's investment portfolio. It should be noted that this benefit will reduce as the principal is repaid at £82,000 per annum between 2013 and 2027.

If adopted NCCC's proposals would see the Council receive annual interest payments of £14,400 (£11,520 after tax) between 2013 and 2016 and potentially no repayment of principal at the end of this period.

The proposals for the new loan outlined by NCCC will provide a net return of 2.4%, an amount that exceeds the returns currently achieved by the Authority on other investments. It is also important that should interest rates rise the Council takes steps to protect its position, proposals to achieve this by linking interest payable to PWLB rates are outlined at paragraph 17 and would need to be finalised as part of the final negotiations. The delegation of this negotiation to the Section 151 Officer acting in consultation with the Chief Executive and the Portfolio Holder for Finance provides a mechanism by which this can be achieved.

Section 17 Crime and Disorder Act

The Cotgrave Positive Futures project in particular has had a significant beneficial impact on the level of crime and anti-social behaviour in the Town.

Diversity

Whilst Positive Futures does target identified young people it also offers numerous activities that are open to all young people in Cotgrave. It runs sessions for girls and boys, some separate and some mixed. They have also run inter-generational events that aimed to bring young people and older people together to challenge perceptions and break down barriers. The impact that Positive Futures has had and the promotion of that means that the image of young people in Cotgrave has improved significantly.

Background Papers Available for Inspection:

Minutes of the Partnership Delivery Group 3 July 2012

An evaluation of Cotgrave Positive Futures July 2009 – December 2010: J Buffin, School of Social Work, University of Central Lancashire, July 2011



CABINET

4 DECEMBER 2012

**EXERCISE OF THE CHIEF EXECUTIVE'S
EMERGENCY POWERS: POOLING OF BUSINESS
RATES**

5

REPORT OF THE CHIEF EXECUTIVE

CABINET PORTFOLIO HOLDER – COUNCILLOR J A CRANSWICK

Background

1. Following an enquiry from Nottinghamshire County Council, it was necessary for me to exercise my emergency decision making powers, after consulting with the Leader and Portfolio Holder (Resources). In accordance with the Council's constitution, I am required to report my actions and rationale to the next meeting of the Cabinet (or Council as necessary). This report sets out the background and reasons for the decision I took and why exercising emergency powers was necessary. In doing so I have also consulted the Council's S151 officer due to the matter including financial considerations.
2. Under the new localisation of business rates proposals, the Government is making available the ability for authorities to pool their business rates. This option was discussed between leaders of all the Nottinghamshire Councils in late summer but at that meeting it was felt that most Districts in the County were not in a position to participate and it was the view of officers that there was a lack of clarity of advantages and disadvantages and a lack of proper scenario planning. This position was communicated to Members in the budget workshops in October with a suggestion that, if appropriate, Rushcliffe could join a pool for the following year (2014/15).

Recent events

3. Late on Thursday 8 November, I received a communication from the County Council's Chief Executive notifying me that Rushcliffe was the only District Authority that had not currently indicated its agreement to participate in the pooling of business rates from April 2013. I was informed that the deadline for indicating our interest for this financial year was the next day (9 November) when the submission had to be made to the Department for Communities and Local Government (DCLG). I was invited to indicate whether Rushcliffe would wish to be included in the submission by Nottinghamshire County Council. I took the view that urgent consideration was required with the S151 Officer and myself to ensure that Rushcliffe Borough Council's interests were protected until a formal decision could be made.

Rationale for exercising emergency powers

4. Other District Councils' decisions had been informed by work undertaken by County Council consultants, which indicated that there is a clear benefit to authorities in a pool where the scenario is one of business growth: the pool mechanism enables more of the proceeds to be retained locally, depending on the relative growth figures for individual councils. However work has yet to be done in relation to the risk where authorities suffer significant reductions in Rateable Value and, in the most serious of cases, could benefit for safety net arrangements to limit the impact on an area. Due to the nature of hereditaments located in Rushcliffe, this is a scenario which could materialise within our own area.
5. Therefore, in order to safeguard the Council's position and retain the pooling option, I decided, in consultation with the Leader, Deputy Leader and S151 Officer that the County Council should be informed that Rushcliffe will agree in principle to joining the business rates pool subject to further work being carried out to model the impact of significant Rateable Value reductions. Exercise of my emergency powers was necessary to do this as the DCLG needed to be informed the next day.
6. Some initial work on the impact of significant reductions in Rateable Value has been undertaken since this decision. This has modelled the effect of a reduction in the rateable value of the power station which has very recently been notified to the Council. The analysis indicates that if outside the pool, Rushcliffe could receive a modest safety payment from the Government. If inside the pool, the pool would not receive this safety net payment and Rushcliffe would be reliant on the terms of the pool agreement, which, as currently drafted, would be more generous than the national safety net. However, much would depend on the final terms of the agreement and the figures in the Local Government finance settlement.
7. I have been notified that the Council can withdraw from the pool without affecting other Councils in the pool, provided the DCLG is notified before midday on 5th December 2012. Also, as much will depend upon the actual figures for localised business rates that are not due to be announced until near Christmas, the DCLG has provided for a "cooling off" period of 28 days from the announcement, during which a final decision on joining the pool can be made. However any withdrawal from a pool during the cooling off period would result in the whole pool being dissolved.

Recommendation

It is RECOMMENDED that Cabinet:

- a. acknowledges and endorses that in the circumstances it was necessary for action to be taken prior to the next scheduled Cabinet meeting and the use of the delegated powers by the Chief Executive, in consultation with the Leader and Portfolio Holder (Resources) was necessary and justified; and
- b. receives a further report following the announcement of localised business rates figures in the draft Local Government Finance settlement.

Financial Comments

Modelling undertaken on behalf of the County Council indicates that Rushcliffe's involvement in the Pool could lead to between £42,000 and £248,000 of additional resources in 2013/14. However a degree of caution should be exercised on these figures as the model utilised assumes growth in non-domestic rates across all seven districts and the ultimate benefit to Rushcliffe may increase or decrease due to the distribution model within the pooling agreement. Across the term of the Medium Term Financial Strategy (i.e. 2013/14 to 2017/18) the total benefit is put at between £715,000 and £1,803,000.

Notwithstanding the above there remains a clear potential for the Pool to provide additional resources for Rushcliffe, the County and the six other District Councils in Nottinghamshire.

Section 17 Crime and Disorder Act

There are no implications

Diversity

There are no implications

Background Papers Available for Inspection: Nil

REPORT OF THE HEAD OF TRANSFORMATION

CABINET PORTFOLIO HOLDER – COUNCILLOR J A CRANSWICK

Summary

1. Cabinet received a report at its June meeting outlining the options for exploring future opportunities for the use of Bridgford Hall and Park Lodge in light of the fact that Nottinghamshire County Council has vacated the majority of the building but still runs its register office from the ground floor of the building.
2. It was approved by Cabinet that officers undertake some soft marketing of the Hall to ascertain interest in the building and to inform Members of potential options for the future use of the building.
3. This report updates Members on the soft market testing and advises on next steps.

Recommendation

It is RECOMMENDED that

- a. A public consultation is held to raise awareness that the Council needs to find a future tenant for the Hall and to gather feedback on proposed uses for the Hall including:
 - i. Boutique hotel, restaurant provision, wedding venue
 - ii. Craft/fashion/arts centre
- b. A formal marketing process is commenced. Developers who have already submitted an expression of interest from the soft market testing will be invited to continue within the marketing process.
- c. Marketing is carried out for the Hall and Park Lodge as separate facilities as well as a joint offer.
- d. Discussions are held with Nottinghamshire County Council regarding options for weddings in the Hall beyond the end of 2014.

Background

4. At the June Cabinet meeting the Portfolio Holder for Resources reminded Members that Council's purpose was to ensure the Hall provided best value for all residents of Rushcliffe in whatever format that might be. He informed Cabinet that to ensure the Hall did not remain partially empty the proposal was

to soft market the Hall by way of creating a brochure which would be circulated nationally to gauge potential as a development opportunity. He also reminded Cabinet that consideration would also have to be given to the Council's disposal policy for land and buildings when making any decision on the future of the Hall. Furthermore the provisions within the Localism Act 2011 regarding Assets of Community Value were also relevant and if necessary should be considered when determining any future options.

5. It was RESOLVED that Cabinet:
 - a. approve the soft marketing of Bridgford Hall, and
 - b. agree the principle that the Hall will need to be developed in some way around the current footprint to protect the future viability of the building.

Soft market testing

6. The Hall was marketed for a period of approximately 6 weeks, from the beginning of September 2012 in the following ways:
 - a. An e-brochure created and published on the website
 - b. The link to the brochure was sent to a comprehensive mailing list – including local and national agents (27 companies) and specific end users, such as hotels and restaurants (20 companies)
 - c. Follow up calls were made to companies on the mailing list
 - d. An advert was placed in the Estates Gazette magazine providing national coverage.
7. During the marketing period a number of in depth enquiries were received. These included viewings of the Hall. As a result of the soft marketing exercise a number of expressions of interest were submitted. Nottinghamshire County Council's register office staff was involved in the process and took part in the viewings, explaining their current offering and future aspirations to grow the wedding service to interested parties.
8. Although only a soft market testing exercise, the marketing was comprehensive and undertaken at a national level. Despite this, the interest received was from local companies, or companies who had local connections and knowledge of West Bridgford.

Expressions of Interest

9. Expressions of interest were received and there were a range of uses suggested, but common themes are around boutique hotel, restaurants and wedding ceremony venue, all of which could potentially be reasonable end uses for the building. There was a suggestion for serviced offices but given the economic climate and current supply of office space in West Bridgford this may not be a realistic economic or preferred use of the building.
10. There was also interest from a local resident for a craft or small enterprise start up centre but an expression of interest was not submitted for this.
11. There was some interest in Park Lodge and it is considered appropriate to market the Lodge separately, in conjunction to marketing it as a whole with the

Hall. There may be interest in the Lodge for a variety of uses, such as a retail unit, eatery, residential, or even a 'pop up shop'.

Constraints to consider

12. Whilst the planning process will take into consideration the listing of the building and its position within the park with regard to any refurbishment and proposed extension scheme, the Council as land owner would wish to put relevant measures in place to control the final use, protect the public space and ensure continued access to the park for residents. It should be noted that some restrictions may have financial implications that could impact upon the overall viability of the redevelopment and therefore a balance would need to be struck to secure value for money whilst maintaining a quality environment and building.
13. In choosing a preferred party it will be important to ensure transparency and objectivity. It is recommended that a weighted scoring matrix is created, detailing the requirements of the Council. For example, the degree to which it is a requirement to the Council that the end use includes a wedding service needs to be determined at the outset so that prospective bidders can understand the Council's requirements and reflect this in their proposals. The appraisal process would also include a financial analysis of the bidder, to ensure the viability of the project and to protect the interests of the Hall going forward. However once again such choices could ultimately affect the viability and interest in a scheme moving forward.
14. The expressions of interest received demonstrate what the market considers to be viable alternative uses for the Hall, and this should be the starting point in putting together a list of requirements.
15. From a legal perspective the main constraints in choosing a developer partner are:
 - a) the requirement to obtain the best consideration under section 123(2) of the LGA 1972 – but that is now ameliorated by the 2003 General Consents Order which allows disposals as long as the asset is not disposed of at more than £2,000,000 below its value.
 - b) if the disposal includes any land that could be categorised as 'open space' then that disposal would have to be advertised, and representations considered, under section 123(2A).
16. There is also case law on legal challenges to Local Authority land disposal and these relate to considerations of fairness and legitimate expectations, and the need to comply with any relevant Council policies.

Public Consultation

17. As part of the process in determining the future use of the Hall it would be essential to undertake early public consultation with residents, park and town centre users to explain the reasons to secure a future use for the building, the current options and the aspirations of the Council.

18. Careful consideration needs to be given to the method chosen, as at the point of consultation, it will not be possible to provide visual displays as to the final 'look' of the building, but it would be possible to share a list of proposed uses compared with the cost to the Council of retaining the asset, thereby setting the scene in context.
19. To determine a comparison cost to the Council in retaining the asset (as opposed to letting it on a long lease), it would be appropriate to instruct a conservation architect or surveyor to advise on future maintenance and refurbishment costs.

Marketing – next steps

20. The response received to date indicates that interest in the Hall is from the local, not national, market. Nationally, the Council is competing with other councils disposing of their assets, so there is choice in the market; further, these assets are often of poorer quality and so as a single entity, "council assets" are not automatically sparking the interest of developers. Whilst West Bridgford is a prestigious and vibrant location, this reputation is not known on a national level. In addition, as the property market has been in decline the volume of interested parties undertaking speculative development is much lower than we might have seen some years ago. However it is clear that this significant asset could be utilised to promote further sustainability of the town, register office and local facilities.
21. Additional marketing could be undertaken to further target interest, which could include:
 - a. Appointment of an Agent to undertake the marketing
 - b. Installation of a 'For Sale/For Let' board
 - c. Preparation of a paper brochure, not just in electronic form
22. Cabinet Member input on, and confirmation of, future uses of the building for marketing and developer appointment purpose is requested based on the suggestions in paragraphs 6 and 7.

Registry Office use and NCC maintenance of The Hall

23. As referenced above, the Hall is currently let to Nottinghamshire County Council. The lease expired in 2008 and the County is holding over on current terms. It is a protected tenancy and the County Council has a right to renew on similar terms. If the Borough Council wants to refuse renewal there are certain conditions on which it can do so. These include:
 - a) If the Council wants to use the building itself
 - b) If the Council wants to redevelop the building.
24. It should be noted that the County Council is not using the whole building and leases the building on a full repairing lease. The Borough Council has requested that the County Council carry out a conditions survey and undertakes any necessary urgent works to the building. The survey will be undertaken in conjunction with Borough Council officers.

25. It is understood that there is a current desire from the County Council to continue to operate a wedding service out of the Hall and wedding bookings are being taken up to the end of 2014. The County Council will be advised of the Cabinet's recommendations on this report and will be invited to enter into a dialogue with the Council regarding the options available to it to secure its interest in the long term future of the building.

Financial Comments

The costs of undertaking a formal marketing exercise could be capitalised. A provision of £500,000 for the Hall has been included in the Council's draft Capital Programme for 2014/15. The Council has also set aside £250,000 in a reserve for converting premises as part of the Council's aim to rationalise its property portfolio.

The costs of a public consultation would need to be met from Revenue.

Section 17 Crime and Disorder Act

There are no section17 implications from this report.

Diversity

The Hall is currently not accessible except for the ground floor.

Background Papers Available for Inspection: Nil

REPORT OF THE DEPUTY CHIEF EXECUTIVE (PR)

CABINET PORTFOLIO HOLDER – COUNCILLOR D G BELL

Summary

Keyworth Parish Council has made an application to Rushcliffe Borough Council proposing to designate the parish of Keyworth as a neighbourhood area under Section 61G of the Town and Country Planning Act 1990 and in accordance with the requirements of the Neighbourhood Planning Regulations 2012.

Recommendation

It is RECOMMENDED that, in accordance with section 61G of the Town and Country Planning Act 1990, Cabinet approve the application to designate the parish of Keyworth as a neighbourhood area.

Background

1. The ability for a town or parish council to produce a Neighbourhood Plan is contained within the Localism Act 2011. The Neighbourhood Planning Regulations 2012 provide guidance as to how the Neighbourhood Plan process will work.
2. Neighbourhood plans can include planning policies and allocations of land for different uses. They can be produced by town or parish councils in consultation with their communities, but must be consistent with legislation and national and local planning policies. If a neighbourhood plan is formally adopted following an examination by an Inspector and overall support for it in a community referendum, then decisions on future planning applications must be in general conformity with it.
3. If a town or parish council decides to develop a neighbourhood plan, one of the first steps is to submit to the local planning authority an application for the designation of the area to be covered by the plan. A town or parish council may choose to produce a neighbourhood plan that covers all or part of their parish. They must submit to the local planning authority the following:
 - (a) A map which identifies the area to be covered by the neighbourhood plan; and
 - (b) A statement explaining why the area concerned is appropriate.

Detail

4. Keyworth Parish Council is progressing work on a Neighbourhood Plan for the parish. This work is being supported financially by funding secured through the Government's Neighbourhood Planning Front Runners programme. An application to the Borough Council has now been made to designate the whole of the civil parish of Keyworth (see **Appendix 1**) as the neighbourhood area for this purpose.
5. The letter and map showing the area proposed by Keyworth Parish Council have been available to be viewed by members of the public and others at the Rushcliffe Community Contact Centre and on the Borough Council's website. A copy was also made available at Keyworth Library, Keyworth Parish Council Offices and on the Keyworth Parish Council website. The consultation period ran for six weeks, from 18 July to the 29 August. Two responses were received to the consultation.
6. Both responses came from developers on behalf of land owners with parcels of land which fall outside of the proposed boundary; in Stanton on the Wolds Parish – both responses are attached at **Appendix 2**. One developer – Heaton Planning ask that consideration is given to the inclusion of these sites within the Keyworth Neighbourhood Area. The other developer – Bloor Homes write specifically to object to the proposed Neighbourhood Area, considering that to exclude their site is contrary to the basic principles of the plan led system and the requirement for plans to be based on an assessment of all reasonable alternatives. They also consider there are implications in relation to the Duty to Co-operate. It is suggested that a 'Neighbourhood Forum' covering a wider area is created as a consortium type arrangement between Keyworth and Stanton on the Wolds Parish Councils.
7. Whilst it is possibly for parishes to join up to prepare a joint Neighbourhood plan covering two or more parishes, one parish council would need to take the lead in taking the neighbourhood plan forward and obtain the consent of the other parish to develop the neighbourhood plan in their area. This is a legal requirement that would need to be demonstrated when the plan proposal is submitted to the local authority for independent examination.
8. Keyworth Parish Council was asked to consider these responses and their comments are appended at **Appendix 3**. In summary, it is considered that development of the sites identified would result in coalescence between Keyworth and Stanton on the Wolds. This would not be in the interests of either community as they are very different in character.
9. Stanton on the Wolds Parish Council has been consulted on this issue and their response is appended at **Appendix 3**. In summary the Parish Council are unanimously against the two sites within Stanton on the Wolds parish being incorporated into the Keyworth Neighbourhood Area. It is considered that Stanton on the Wolds is an entirely separate entity, and these two sites fall firmly within the boundaries of Stanton on the Wolds.
10. Part 1 of Schedule 9 to the Localism Act 2011 inserts sections 61E-Q into the Town & Country Planning Act 1990. Section 61F - Authorisation to act in relation to neighbourhood areas provides that:

- (1).. a parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council.
 - 2) If that neighbourhood area also includes the whole or any part of the area of another parish council, the parish council is authorised for those purposes to act in relation to that neighbourhood area only if the other parish council have given their consent.
11. Keyworth civil parish is the area for which Keyworth Parish Council is the elected body and the area for which it is appropriate for them to make plans and policies. The area defined for designation is justified to enable the Neighbourhood Plan to meet the strategic objectives for the village set out in the draft Rushcliffe Core Strategy. It is therefore considered appropriate to designate the whole of Keyworth civil parish as a neighbourhood area. Stanton on the Wolds Parish Council are opposed to the identified sites in their parish being part of the Keyworth neighbourhood area and as such, these sites cannot be included.
12. Should Cabinet decide to approve the application a record of this decision will be sent to Keyworth Parish Council and placed on the Planning Policy pages of the Borough Council's website. If the decision is taken to refuse to designate the Plan Area, then the Borough Council will need to publish its reasons for making that decision.

Financial Comments

There are no direct financial implications arising from this report.

Section 17 Crime and Disorder Act

There are no direct crime and disorder implications arising from this report.

Diversity

There are no direct diversity implications arising from this report.

Background Papers Available for Inspection: Nil



NG/LA/Plan

KEYWORTH PARISH COUNCIL

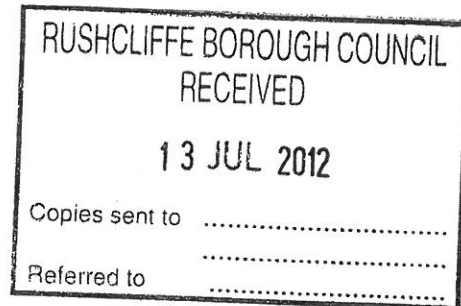
Village Hall, Elm Avenue, Keyworth, Nottingham, NG12 5AN

Tel / Fax: 0115 937 2185

Richard Mapletoft
 Planning Policy Team
 Rushcliffe Borough Council
 Civic Centre
 Pavilion Road
 West Bridgford
 Nottingham
 NG2 5FE

11 July 2012

Dear Richard,



Application for Designation of a Neighbourhood Area: Keyworth

Keyworth Parish Council, being a 'relevant body' as required by legislation under Neighbourhood Planning (General) Regulations, wishes to prepare a Neighbourhood Development Plan and formally applies for the Parish to be designated as a Neighbourhood Area. We confirm that Keyworth Parish Council is a relevant body for the purposes of section 61G of the 1990 Town and Country Planning Act due to it being a local authority in its own right, bound by statute and accountable to the community that it serves.

The Neighbourhood Area defined by the Parish Council is the whole of the civil parish of Keyworth as outlined on the attached Parish map, also accessible on our website:

www.keyworthparishcouncil.org/uploads/proposed-neighbourhood-plan-area.pdf

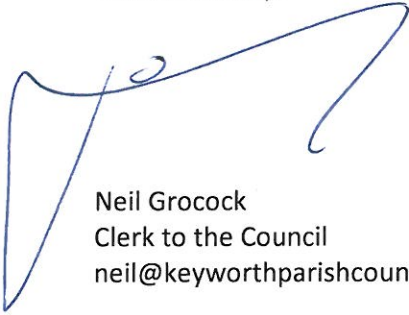
We consider the defined area to be an appropriate area for designation as a Neighbourhood Area for the following reasons:

1. The area defined is covered by Keyworth Parish Council in its entirety. The Neighbourhood Area will sit comfortably with the electorate and the existing sense of community that currently exists can continue to be built upon as the Plan is created.
2. The area defined has been the subject of recent community-led and local authority-led planning exercises, involving local consultation, namely:
 - Village Plan 2009.
 - Village Design Statement 2011.
 - Reappraisal and extension of Conservation Area 2010.
 - Fresh Approach visioning, leading to Keyworth Profile document 2011.

As a Phase 2 Front-runner, work is already ongoing to collect evidence and develop policies for the Parish, with significant participation by residents.

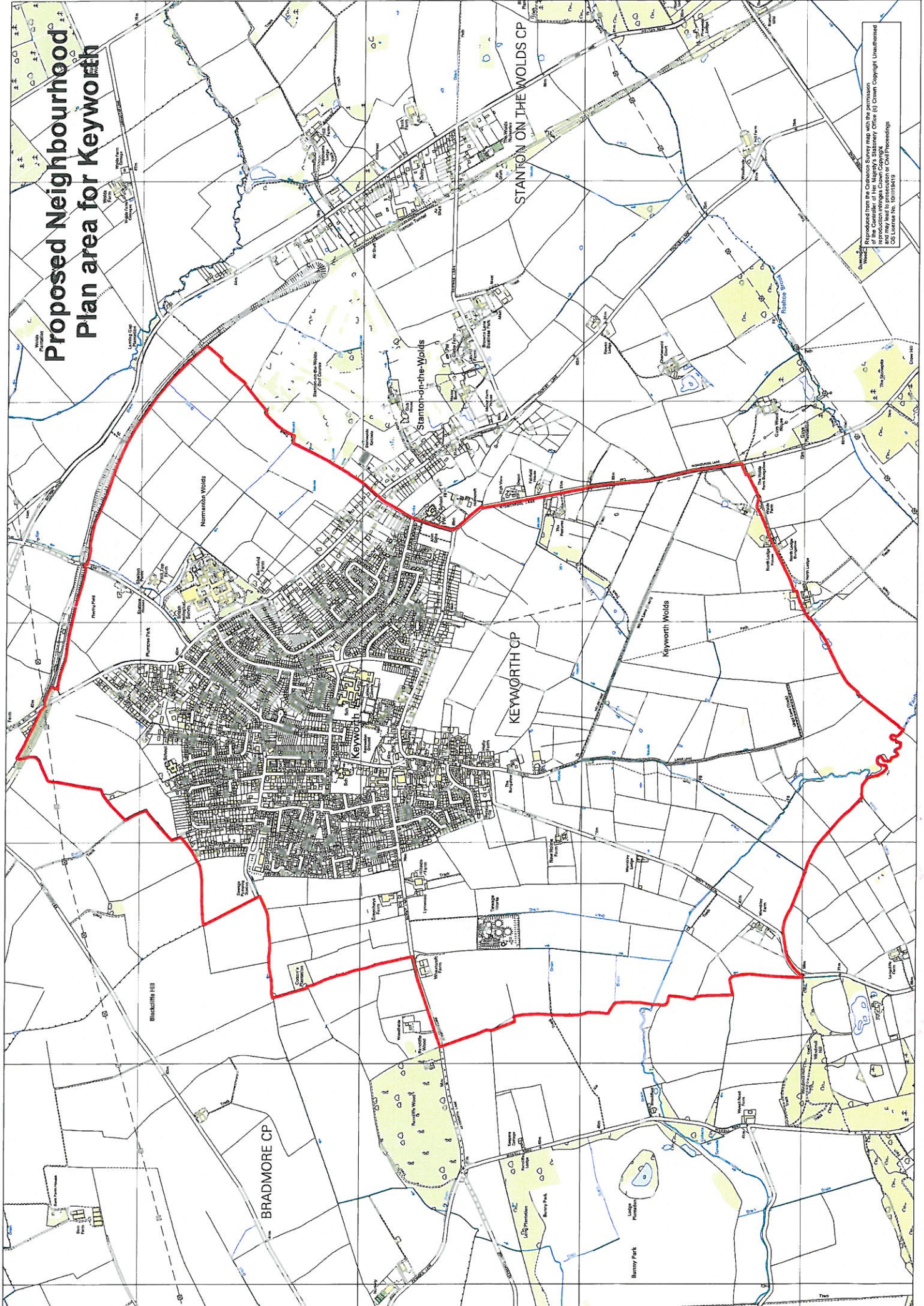
3. The Parish Council works actively to include residents and stakeholders from all parts of the Parish.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Neil Grocock', written over a horizontal line.

Neil Grocock
Clerk to the Council
neil@keyworthparishcouncil.org

Proposed Neighbourhood Plan area for Keyworth



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office (© Crown Copyright Unauthorised reproduction of this map is prohibited and may lead to prosecution or Civil Proceedings OS Licence No. 10001819)

H e a t o n | P l a n n i n g**P l a n n i n g C o n s u l t a n t s**

My Ref: JC/SCH/

Your Ref:

Date: 30th August 2012

Keyworth Parish Council
Village Hall
Elm Avenue
Keyworth
Nottingham
NG12 5AN

Dear Councillors,

NEIGHBOURHOOD PLAN CONSULTATION

We are writing to support the Parish Council's pro-active approach to facilitating development in Keyworth given that the village has been identified within the emerging Core Strategy as a 'key settlement' with the potential to accommodate a proportion of the Borough's housing growth.

We are of the view that there are limited previously developed sites within the village and these are insufficient in number to meet the levels of growth that have been identified. We consider that growth can be met through modest, well located and well designed sustainable extensions to the settlement which would not prejudice the purposes of Green Belt which some large scale urban extensions may do.

We have been actively involved in the Borough's plan making process and have promoted land off Selby Lane through the SHLAA (SHLAA reference 367 and 368).

I note from your consultation that you are seeking views on the potential housing sites that have been promoted through the SHLAA within Keyworth. In this regard, I am writing to advise that whilst our site to the east of Selby Lane forms part of this consultation (and is identified on the SHLAA plan for Keyworth which accompanies it), we have also promoted a site to the west of Selby Lane and north of Willowbrook (see attached plan – SHLAA reference 368). This site is excluded from your consultation as it technically forms part of the Stanton on the Wolds Parish. However, and as noted within the SHLAA description for this site, the site is better related to the village of Keyworth. Whilst considering sites available for development, I would therefore be grateful if you would also consider this site as a potential and deliverable housing site available to accommodate housing growth within the village.

Heaton Planning
9A The Square, Keyworth, Nottingham, NG12 5JT
T-0115 9375552 F-0115 9372876 email jenna@heatonplanning.co.uk

Our ref: MW/SJP

28th August 2012

Planning Policy
Rushcliffe Borough Council
Civic Centre
Pavilion Road
West Bridgford
Nottingham
NG2 5FE



By post & email

Dear Sirs

**RE: NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012
KEYWORTH NEIGHBOURHOOD AREA DESIGNATION**

I refer to the above.


I am writing to object to the current application by Keyworth Parish Council to designate a neighbourhood area for the preparation of a neighbourhood plan specifically in relation to Bloor Homes' land interests at Willow Brook, Keyworthⁱ (see attached plan).

Whilst contiguous with the built up area of Keyworth, the land at Willow Brook lies within Stanton on the Wolds Parish, and as such is excluded from Keyworth Parish Council's proposed Neighbourhood Area which follows the Parish boundary.

This approach excludes from the process a potentially suitable site to meet the development needs of Keyworth for non-planning reasons. In our view this is contrary to the basic principles of the plan led system, and the requirements for plans to be based on an assessment of all reasonable alternatives. There are also potential implications in relation to the Duty to Co-operate. I have previously written to the Borough Council on this matter (by letter dated the 18th of April 2012) but have had no response.

It is Bloor Homes' view that, in the interests of the proper planning of the area, any neighbourhood plan should cover an area that will enable an assessment of all potentially suitable sites to meet the development needs of the area to be made that is not arbitrarily constrained by administrative boundaries. This could be either through the creation of a neighbourhood forum covering a wider area or through a consortium type arrangement between the Parish Councils. This will ensure the plan preparation process is fully collaborative and inclusive.

Yours faithfully,



Max Whitehead MTCP MRTPI
Strategic Planning Manager

Enc.

Cc Melvyn Jones

ⁱ Bloor Homes also control land at Bunny Lane and Debdale Lane, Keyworth, which is being promoted separately through the Keyworth Neighbourhood Plan process.

www.bloorhomes.com

Keyworth Parish Council application for Keyworth Neighbourhood Area designation

Statement by Keyworth Neighbourhood Plan Steering Group on behalf of Keyworth Parish Council in response to objections submitted by Bloor Homes and Heaton Planning about Keyworth Neighbourhood Area designation.

In addition to the points already made in the application to Rushcliffe Borough Council in support of the designation of the Neighbourhood Area as Keyworth Parish, the following points are in response to comments made by the objectors.

Willow Brook forms a defined edge and transition between Keyworth on the west side of the road and the rural environment to the east which comprises of low density building, green belt, open spaces and the fields of Stanton and beyond. Development to the east of Willow Brook as part of the Neighbourhood Area would result in coalescence of Keyworth with Stanton on the Wolds. This would not be in the interest of either community, as they are very different in character.

In response to the points made by the objectors in relation to consultation, Keyworth PC would like to point out that consultation has already taken place in Keyworth, involving the wider community. At the Neighbourhood Plan Public meeting on 30th April 2011 in Keyworth, representatives of Stanton on the Wolds residents and of its Parish Council attended and sought assurance that the area to the east of Willow Brook would not be part of the Keyworth Neighbourhood Plan.

It is not within the jurisdiction of Keyworth to encroach on the independence of Stanton Parish Council and its residents in matters of development in their Parish. It goes against the spirit of the Localism Act, which is in place to let local people have a say on what happens in their own area. The developers' objections seem to be a deliberate attempt to circumvent the basic aim of the Localism Act and the deliberations that are currently being undertaken by the Steering Group, which is to ensure that future development is with the consent of the Parishioners within their Parish boundary. We think it is wrong that developers are trying to get round the local decision making process in this way.

Keyworth Neighbourhood Plan Steering Group
30th October 2012

STANTON ON THE WOLDS PARISH COUNCIL

(Nottinghamshire)

Clerk to the Council:

MIKE ELLIOTT

Tel: 0115 9376506

Email: elliottnews@btconnect.com

19/21 Main Street
Keyworth
Nottingham
NG12 5AA

Gemma Dennis
Planning Policy Team
Rushcliffe Borough Council
Civic Centre
West Bridgford
Nottingham NG2 5FE

November 12 2012

Dear Gemma

Bloor Homes letter 28th August 2012

Heaton Planning letter 30th August 2012

LAND ADJACENT TO WILLOWBROOK STANTON ON THE WOLDS

With reference to the above letters which I am aware you have in your possession. Stanton on the Wolds parish council is unanimously against the areas identified for being included in the Keyworth Neighbourhood Plan.

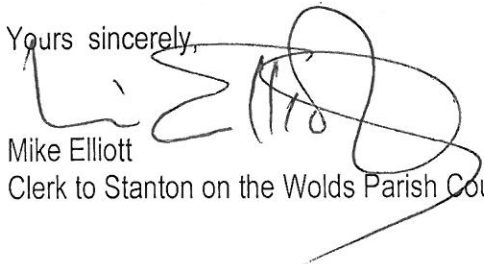
These areas of land sit firmly within the our boundary.

The proposal from Heaton is entirely new to us.

The Bloor proposal was discussed with them on the March 8 this year at which meeting it was made plain by ourselves and the Keyworth representatives present that the land was in Stanton parish and further that local residents would object to their proposals.

Stanton On The Wolds Parish is a totally separate entity and vehemently rejects the attempts by the developers to destroy part of our green belt by this underhand approach.

Yours sincerely,



Mike Elliott

Clerk to Stanton on the Wolds Parish Council

REPORT OF THE DEPUTY CHIEF EXECUTIVE (PR)

CABINET PORTFOLIO HOLDER – COUNCILLOR D G BELL

Summary

East Leake Parish Council has made an application to Rushcliffe Borough Council proposing to designate the parish of East Leake as a neighbourhood area under Section 61G of the Town and Country Planning Act 1990 and in accordance with the requirements of the Neighbourhood Planning Regulations 2012.

Recommendation

It is RECOMMENDED that, in accordance with section 61G of the Town and Country Planning Act 1990, Cabinet approve the application to designate the parish of East Leake as a neighbourhood area.

Background

1. The ability for a town or parish council to produce a Neighbourhood Plan is contained within the Localism Act 2011. The Neighbourhood Planning Regulations 2012 provide guidance as to how the Neighbourhood Plan process will work.
2. Neighbourhood plans can include planning policies and allocations of land for different uses. They can be produced by town or parish councils in consultation with their communities, but must be consistent with legislation and national and local planning policies. If a neighbourhood plan is formally adopted following an examination by an Inspector and overall support for it in a community referendum, then decisions on future planning applications must be in general conformity with it.
3. If a town or parish council decides to develop a neighbourhood plan, one of the first steps is to submit to the local planning authority an application for the designation of the area to be covered by the plan. A town or parish council may choose to produce a neighbourhood plan that covers all or part of their parish. They must submit to the local planning authority the following:
 - (a) A map which identifies the area to be covered by the neighbourhood plan;
and
 - (b) A statement explaining why the area concerned is appropriate.

Detail

4. East Leake Parish Council is progressing work on a Neighbourhood Plan for the parish. An application to the Borough Council has now been made to designate the whole of the civil parish of East Leake (see **Appendix 1**) as the neighbourhood area for this purpose.
5. The letter and map showing the area proposed by East Leake Parish Council have been available to be viewed by members of the public and others at Rushcliffe Community Contact Centre and on the Borough Council's website. A copy was also made available at East Leake Library, East Leake Parish Council Offices and on the East Leake Parish Council website. The consultation period ran for six weeks, from 17 September to 29 October. No responses were received to the consultation.
6. East Leake civil parish is the area for which East Leake Parish Council is the elected body and the area for which it is appropriate for them to make plans and policies. The area defined for designation is justified to enable the Neighbourhood Plan to meet the strategic objectives for the village set out in the draft Rushcliffe Core Strategy. It is therefore considered appropriate to designate the whole of East Leake civil parish as a neighbourhood area.
7. Should Cabinet decide to approve the application a record of this decision will be sent to East Leake Parish Council and placed on the Planning Policy pages of the Borough Council's website. If the decision is taken to refuse to designate the Plan Area, then the Borough Council will need to publish its reasons for making that decision.

Financial Comments

There are no direct financial implications arising from this report.

Section 17 Crime and Disorder Act

There are no direct crime and disorder implications arising from this report.

Diversity

There are no direct diversity implications arising from this report.

Background Papers Available for Inspection:

Map of proposed Neighbourhood Area

Application for Designation of Neighbourhood Area: East Leake

EAST LEAKE PARISH COUNCIL

Chairman: Cllr R Hetherington

Our Ref: LB/SL



The Parish Office
45 Main Street
East Leake
Loughborough
Leics LE12 6PF

E-mail: parishclerk@east-leake.gov.uk
Website: eastleake.gov.uk

Tei/Fax:
01509 852217

06 September 2012

Richard Mapletoft
Planning Policy Team
Rushcliffe Borough Council
Civic Centre
Pavilion Road
West Bridgford
Nottingham
NG2 5FE

Dear Richard

Application for Designation of a Neighbourhood Area: East Leake

East Leake Parish Council, being a 'relevant body' as required by legalisation under Neighbourhood Planning (General) Regulations, wishes to prepare a Neighbourhood Development Plan and formally applies for the Parish to be designated as a Neighbourhood Area. We confirm that East Leake Parish Council is a relevant body for the purposes of Section 61G of the 1990 Town and Country Planning Act due to it being a local authority in its own right, bound by statute and accountable to the community that it serves.

The Neighbourhood Area defined by the Parish Council is the whole of the civil parish of East Leake as outlined on the attached Parish map.

We consider the defined area to be an appropriate area for designation as a Neighbourhood area for the following reasons:

1. The area defined is covered by East Leake Parish Council in its entirety. The Neighbourhood Area will sit comfortably with electorate and the existing sense of community that currently exists can continue to be built upon as the Plan is created.
2. The area defined has been the subject of recent community-led and local authority-led planning exercises, involving local consultation, namely:
 - Village Plan 2004
 - Community Plan 2012 ongoing
 - Neighbourhood Workshops
 - Community Plan Open days
 - Neighbourhood Plan Project Team – Terms of Reference and Membership

Lesley Bancroft, Clerk & Responsible Financial Officer to the Parish Council

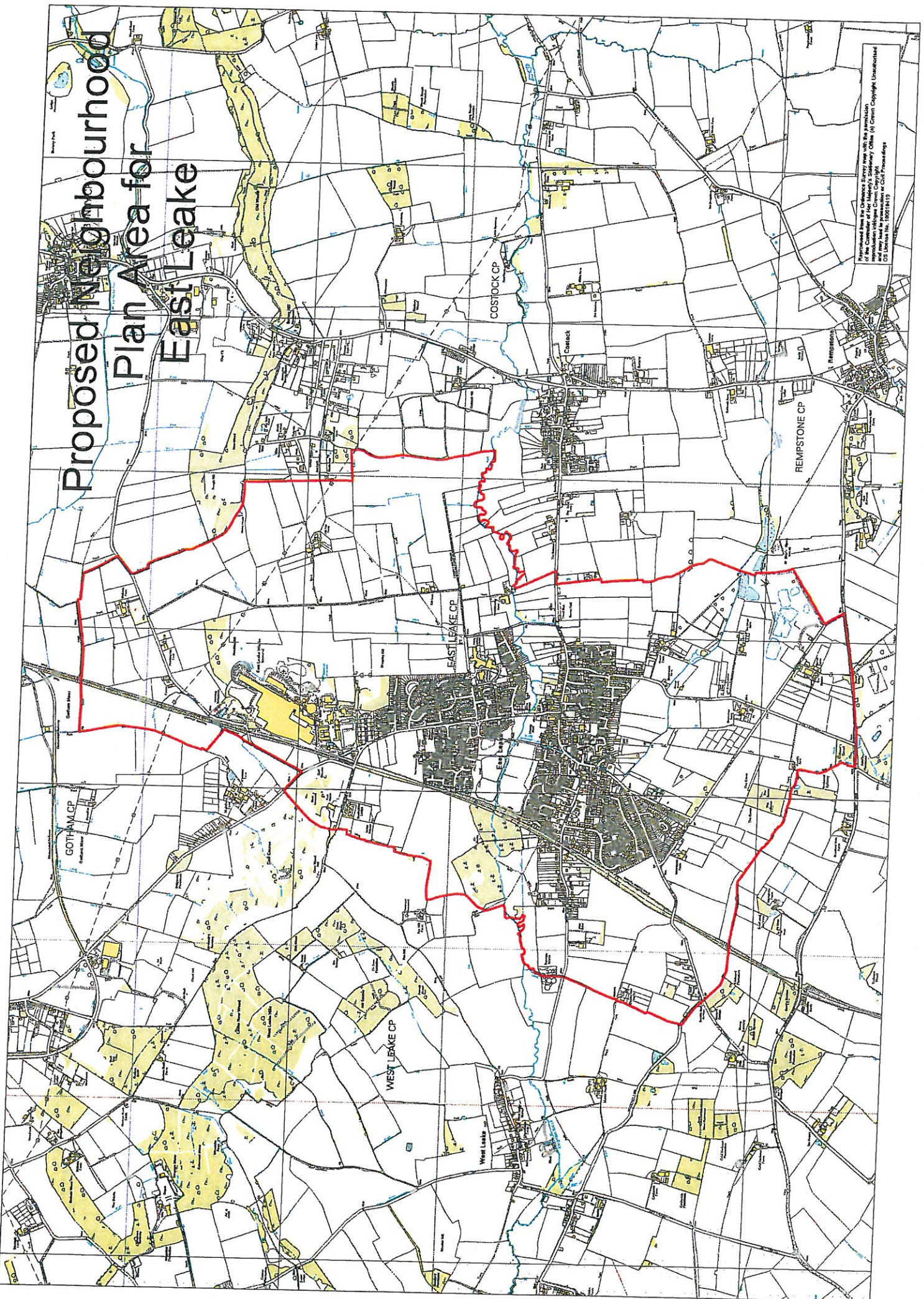
- East Leake Neighbourhood Plan – Provisional Project Plan
 - Draft Vision
3. The Parish Council works actively to include residents and stakeholders from all parts of the Parish

Yours sincerely



Mrs Lesley Bancroft
Clerk to the Parish Council

Proposed Neighbourhood Plan Area for East Leake



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REPORT OF THE DIRECTOR OF FINANCE

CABINET PORTFOLIO HOLDER – COUNCILLOR J A CRANSWICK

Purpose

The purpose of the report is to present the budget position for revenue and capital as at 30 September 2012.

Recommendation

It is RECOMMENDED that Members note the current projections for the revenue and capital outturn.

Revenue Monitoring

1. The revenue monitoring statement by service area is attached at **Appendix A** with detailed variance analysis for September 2012 attached at **Appendix B**. For service area budgets this shows an underspend against profiled budget to date of £490,000 which it is anticipated will reduce during the remainder of the year to £16,000. It should be noted that this figure currently excludes any use of the £591,000 of earmarked reserves that Council made available for the current financial year. As a result the overall underspend for the year is currently forecast at £607,000. However, this position may change as a result of the need to meet one off costs that may arise during the remainder of the current financial year. Notwithstanding this requirement it is currently projected that overall expenditure for 2013/14 will remain within the funding envelope agreed by the Council when the budget was set on 1 March 2012.
2. As previously reported and identified in **Appendix A** both Transformation and Financial Services are currently forecast to overspend at year end. Whilst Transformation's level of forecast overspend is not significant Financial Services is facing significant cost pressures arising from one off staffing costs and significant reductions in investment income. These costs are being partially offset by savings on non-distributed costs and management staffing. It should also be noted that due to increased levels of fee income the forecast outturn for Planning and Place Shaping has changed from an overspend to an underspend position.
3. **Appendix B details** the under and overspending to date which reflects a number of variances including the increased income from the Green Waste scheme, savings on contributions made towards non-distributed costs and staff savings across the Council. While a number of other underspends have been reported on other categories of expenditure current projections see many of these reducing over the second half of 2012/13.

Capital Monitoring

4. The updated Capital Programme monitoring statement for September 2012 is attached at **Appendix C**. A summary of the projected outturn and funding position is shown in the table below: -

CAPITAL PROGRAMME MONITORING - SEPTEMBER 2012			
EXPENDITURE SUMMARY	Current Budget £000	Projected Actual £000	Projected Variance £000
Revenues and ICT Services	474	107	(367)
Partnerships & Projects	109	109	0
Transformation	2,863	2,430	(433)
Environment & Waste Management	1,078	991	(87)
Community Shaping	1,247	561	(686)
Planning & Place Shaping	0	0	0
Contingency	125	0	(125)
	5,896	4,198	(1,698)
FINANCING ANALYSIS			
Capital Receipts	(2,420)	(1,464)	956
Government Grants	(2,165)	(2,150)	15
Other Grants/Contributions	(711)	(351)	360
Use of Reserves	(600)	(233)	367
	(5,896)	(4,198)	1,698
NET EXPENDITURE	-	-	-

Revenues and ICT Services

5. The projected underspend of £367,000 wholly relates to the ICT Strategy. The projected actual of £107,000 is made up of spending commitments to complete schemes from the old ICT Strategy together with new projects for ICT replacement and infrastructure. Of the underspend, £324,000 can be rephased to future years in order to support spending plans outlined in the new ICT Strategy. This would leave the 2012/13 provision at £150,000 which is enough to meet the current commitments and provides some flexibility for later in the year.

Transformation

6. The projected underspend of £433,000 primarily relates to the Cotgrave Masterplan. This is a high risk/high reward project involving a range of partners. It is difficult to predict the likely expenditure position at the year-end so the projected actual only includes the estimated costs of strategic acquisitions likely at this stage.

Environment and Waste Management

7. The projected underspend of £87,000 arises primarily from undertaking a review of the vehicle replacement programme (£72,000). The result of the review is that the replacement of several vehicles can be deferred to next year on the grounds of low mileage and their condition. The full impact of this deferral is partially offset by the need to accelerate the acquisition of one 32t refuse vehicle from 2013/14. The remaining £15,000 may remain unspent in the event that no applications for Decent Homes grants are received and approved.

Community Shaping

8. The projected underspend of £686,000 arises primarily from the delayed outcome of the Alford Road Options re-appraisal together with predicted underspends on grants given for affordable housing. Support for Registered Housing Providers will show an underspend at the year-end if no further schemes are identified in the coming year.

Treasury Management

9. A half year update on Treasury Management was considered by the Corporate Governance Group on the 26th November the key elements of which are summarised below. The Council's Treasury Management Strategy has been underpinned by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2009. The Guidance on Local Government Investments in England gives priority to security and liquidity and, as such, security of capital remains the Council's main investment objective.
10. As shown below at the 30 September the Council held investments of £39.6m. Due to timing differences between the receipt of income, expenditure and payments to other organisations this is an increase of £5.2m over the levels of cash held at 31 March. However it should be noted that the level of investments not only reflects the size of the Council's reserves but also the levels of cash held due to timing differences between income being received and expenditure incurred. For example council tax income is due to the Authority in ten instalments between the 1 April and 1 January but covers expenditure across the financial year. This difference can be seen at the start of the financial year when the Council had investments totalling £34.42m but its usable reserves only totalled £26.24m, of which £15.63m was only usable for capital expenditure.

	Balance on 01/04/2012	Investments Made	Investments Repaid	Balance on 30/09/2012	Increase/ Decrease in Investments
	£m	£m	£m	£m	£'m
Short Term Investments	27.42	90.57	78.40	39.60	12.18
Long Term Investments	2.00	-	-	-	-
Externally Managed Funds	5.00	-	5.00	-	(5.00)
TOTAL INVESTMENTS	34.42	90.57	83.40	39.60	7.18

11. Whilst the Council's Treasury Advisors, Arlingclose, has indicated that it would now be appropriate to reintroduce lending to non-UK banks the Authority has, to date, taken the decision to maintain a UK only investment portfolio. Decisions over counterparties and investment durations remain under constant review and could result in the limited reintroduction of International Banks in the future. It should be noted however that in taking such a decision the Council must pay due cognisance to its professional advice on maximum investment periods which is currently stated as follows:
- Santander UK for a maximum period of 100 days;
 - Lloyds TSB, Bank of Scotland, Royal Bank of Scotland and National Westminster for a maximum period of 6 months;
 - HSBC Bank, Nationwide Building Society and Standard Chartered for a maximum period of 12 months.
12. It has also been recommended that the Council establish a safe custody arrangement which, should the market seriously deteriorate, enables the Authority to access alternative investment instruments to protect its position. As a result the Council set up a custody account with King & Shaxon in September 2012. By opening a custody account with King & Shaxon, the Council now has the ability to use a number of approved investment instruments as outlined in the 2012/13 Treasury Strategy and diversify the investment portfolio. Investment instruments requiring a custodian facility include Treasury Bills, Certificates of Deposit, Gilts, Corporate Bonds and Supranational Bonds.

Budgeted Income and Outturn

13. The Council's budgeted investment income for the year is £0.45m based on estimated average cash balances of £32.62m. New investments were made at an average rate of 0.64%. For 2012/13 the Council now anticipates an investment outturn of £0.28m. This represents a key adverse variance for Financial Services.

Summary

14. This report continues previous trends of the Council's managers maintaining expenditure within the funding strategy agreed by the Council and identifies that savings will continue to be delivered on capital and revenue budgets throughout the remainder of the current financial year. Against this backdrop due cognisance must be given to the significant external financial pressures from developing issues such as changes in national funding associated with the localisation of Business Rates, Universal Credit, new arrangements for Council Tax Support and continued financial pressures on individuals, businesses and partners. Against such a background it is imperative that the Council continues to keep a tight control of its expenditure and maintains positive progress against its four year plan.

Financial Comments

Financial comments are included within the body of the report

Section 17 Crime and Disorder Act

There are no section 17 implications

Diversity

There are no diversity implications

Background Papers Available for Inspection: Nil

Appendix A

Revenue Variance Analysis by Service Area April 2012 - September 2012 (6 Months)

	Actual vs Budget to Date			Projected Outturn vs Budget		
	Budget YTD	Actual YTD	Variance (Under)/Over	Current Budget	Projected Outturn	Variance (Under)/Over
	£'000	£'000	£'000	£'000	£'000	£'000
Community Shaping	630	581	(50)	1,337	1,332	(5)
Corporate Services	728	685	(44)	1,427	1,410	(17)
Environment & Waste	1,256	1,071	(185)	3,195	3,069	(126)
Financial Services	842	885	43	2,095	2,357	261
Partnerships & Performance	675	620	(54)	1,375	1,347	(28)
Planning & Place Shaping	159	125	(35)	328	308	(20)
Revenues & ICT	9,845	9,776	(69)	1,350	1,313	(37)
Transformation	156	131	(25)	266	293	27
Total Service Expenditure	14,291	13,873	(418)	11,374	11,430	56
Contingency	72	0	(72)	72	0	(72)
Total	14,363	13,873	(490)	11,446	11,430	(16)
Budgeted Use of Balances						(591)
Potential Transfer to Balances						(16)
Net Available Funding						(607)

SUMMARY EXCEPTION REPORT - MAJOR VARIATIONS AT MONTH 6

	Variance YTD £'000	Projected Outturn £'000
<u>ADVERSE VARIANCES</u>		
Community Shaping		
Sports Development - Employees budget	5	10
Corporate Services		
Elections and Electoral Registration anticipated savings not yet achieved	7	10
Environment & Waste		
Pest Control - Income reduced due to weather affecting wasp numbers.	21	20
Increase in Waste Collection & Recycling diesel costs.	21	39
Financial Services		
Extra staffing costs arising from the requirement of additional hours, agency costs and secondment, together with the appointment of the Director of Finance at a level higher than the budgeted Head of Service.	38	75
Anticipated efficiency savings from the migration to the eFin system not yet achieved	-	25
Shared Posts savings not achieved	9	19
Corporate Management - Bank commission charges	21	29
Investment Interest - Returns on investments are anticipated to be less than budgeted for.	54	168
Insurances - Premiums on renewal were higher than anticipated but still reflect a £191,000 saving from costs in 2011/12.	-	20
Partnerships & Performance		
Leisure Centres - Income due from Notts CC and the leisure centres not received but being actively recovered	80	-
Revenues & ICT		
IT - Redundancy and pay in lieu of notice costs	24	28
Transformation		
Section 106 funding for Estates Open Spaces	-	21
Property Services - Net loss on termination of SLA with Gedling	-	14
Total Adverse Variances	280	478
<u>FAVOURABLE VARIANCES</u>		
Community Shaping		

	Variance YTD £'000	Projected Outturn £'000
Local Strategic Partnership - Additional income generated.	(15)	(15)
Health Development & LDF - Savings on employee costs	(16)	(21)
Corporate Services		
Legal & Print Room - Savings on staffing by reduction in hours.	(11)	(12)
Savings on Mayor's transportation costs	(4)	(8)
Legal - Savings on publications through negotiating better terms.	(8)	(7)
Environment & Waste		
Waste & Recycling - Sales of green waste bins continue to increase.	(80)	(107)
Licensing - Income greater than anticipated	(37)	(15)
Staff savings due to vacant posts..	(27)	(24)
Street Cleansing & Grounds Maintenance - savings on transport and supplies & services costs	(37)	(21)
Cesspools & Septic Tanks - Increase in income due to extra business.	(11)	(15)
Financial Services		
Precepts & Levies - Internal Drainage Board precepts set at a level lower than that budgeted for.	(13)	(13)
Non Distributed Costs - Contributory rates to NCC for superannuation backfunding and pensions increase act payments lower than anticipated.	(31)	(68)
Partnerships & Performance		
Leisure Centres - Projected underspend on third party payments due to overaccruals in 2011/12	(60)	(12)
Leisure Centres - Underspendings on the programmed budget.	(35)	-
Projects & Information - Staff savings due to vacant post.	(12)	(16)
Planning & Place Shaping		
Staff savings due to vacant posts..	(42)	(20)
Revenues & ICT		
Staff savings within Revenues and Benefits.	(50)	(65)
Rechargeable Accounts - Currently underspending	(29)	-
Transformation Team		
Office Accommodation - Additional rental income.	-	(10)
Total Favourable Variances	(518)	(449)
Sum of Minor Variances	(180)	27
TOTAL VARIANCE	(418)	56

CAPITAL PROGRAMME MONITORING - SEPTEMBER 2012

	Budget YTD	Actual YTD	Variance	Current Budget	Projected Actual	Variance
	£000	£000	£000	£000	£000	£'000
REVENUES & ICT SERVICES						
IS Strategy	23	34	11	474	107	(367)
	23	34	11	474	107	(367)
PARTNERSHIPS & PROJECTS						
Rushcliffe Community Contact Centre	0	0	0	20	20	0
RLC Changing Room Supply and Extraction Unit	0	0	0	14	14	0
CLC Car Park Resurfacing	0	0	0	75	75	0
	0	0	0	109	109	0
TRANSFORMATION						
Park Lodge Structural Repairs	0	0	0	23	0	(23)
Footpath Enhancements	0	0	0	25	0	(25)
Civic Centre Energy Efficiency	0	0	0	20	0	(20)
Cotgrave Masterplan	1,820	1,821	1	2,795	2,430	(365)
	1,820	1,821	1	2,863	2,430	(433)
ENVIRONMENT & WASTE MANAGEMENT						
Disabled Facilities Grants	260	294	34	550	550	0
Decent Homes Grants	0	0	0	15	0	(15)
Nitrogen Dioxide Monitor	0	0	0	16	16	0
Wheeled Bins Acquisition	30	22	(8)	63	63	0
Vehicle Replacement	0	0	0	434	362	(72)
	290	316	26	1,078	991	(87)
COMMUNITY SHAPING						
Support for Registered Housing Providers	0	0	0	550	300	(250)
Partnership Grants	52	20	(32)	111	59	(52)
Alford Road Pavilion Redevelopment	0	0	0	384	0	(384)
Community Partnership Reward Grants	0	0	0	72	72	0
RCP Climbing Frame	25	24	(1)	25	25	0
Skate Park Facilities, The Hook	0	0	0	105	105	0
	77	44	(33)	1,247	561	(686)
PLANNING & PLACE SHAPING						
	0	0	0	0	0	0
	0	0	0	0	0	0
CONTINGENCY						
	0	0	0	125	0	(125)
TOTAL	2,210	2,215	5	5,896	4,198	(1,698)

REPORT OF THE HEAD OF CORPORATE SERVICES

CABINET PORTFOLIO HOLDER – COUNCILLOR MRS J A SMITH

Summary

In May 2012, the Cabinet asked the Community Development Group to consider the development of a procedure for administering the Community Right to Challenge process. At its meeting on 30 October 2012 the Community Development Group considered a draft procedure which they have subsequently recommended to Cabinet for approval. A copy of the procedure is attached as **Appendix One**.

Recommendation

It is RECOMMENDED that Cabinet:

- (a) considers and agrees the procedure for dealing with Community Right to Challenge (**Appendix One**) as recommended by the Community Development Group; and
- (b) requests that after a year of its operation the procedure be reviewed by the Community Development Group in order to determine if any changes to it are necessary at that time.

Background

1. The Localism Act 2011 contains within its provisions relating to the Community Right to Challenge (CRTC). Under these provisions a broad range of alternative service providers will be able to submit an expression of interest to run a service, or part of a service, provided by the Council. The Council must consider any such expressions of interest and where it accepts them, run a procurement exercise for the service. The challenging organisation and other interested parties could take part in this procurement exercise, however, the challenger may not be successful.
2. **Appendix One** outlines a procedure for dealing with CRTC including a flow chart to simplify the process. This has been recommended to Cabinet by the Community Development Group which considered it at its meeting on 30 October. The procedure has been based on information contained within the Localism Act, the Department for Communities and Local Government Policy Statement – Community Right to Challenge (September 2011) and Statutory Guidance on the Community Right to Challenge (June 2012).
3. At its meeting on 30 October the Community Development Group considered the procedure and recommended it to Cabinet for approval. In line with the

reports recommendation the Community Development Group also requested that it reviews the procedure after a year of its operation to determine if any changes to it are necessary at that time.

Financial Comments

None directly arising from this report

Section 17 Crime and Disorder Act

None directly arising from this report

Diversity

None directly arising from this report

Background Papers Available for Inspection: Nil

Community Right to Challenge – Statutory Guidance – May 2012

Report to Cabinet – May 2012 – ‘Community Right To Challenge – Scrutiny Arrangements’

Localism Act 2011

DCLG Policy Statement Community Right to Challenge – September 2011

**Procedure for Administering the
Community Right To Challenge**

Rushcliffe Borough Council

December 2012

Community Right to Challenge

The Localism Act 2011 introduced the Community Right to Challenge enabling certain groups to express an interest in taking over a service currently provided by the Council. This procedure has been developed to help Rushcliffe Borough Council administer this new Community Right.

Expression of Interest

What is an Expression of Interest?

1. A written document submitted to the Council outlining the desire of a Relevant Body to run a service currently provided by the Council. The Borough Council has a duty to consider Expressions of Interest and where they accept an Expression of Interest carry out a procurement exercise. The content of the Expression of Interest is specified in the Act and the Council must develop and publicise a procedure for administering Expressions of Interest submitted under the Community Right to Challenge.

Who can submit an Expression of Interest?

2. The guidance stipulates that an Expression of Interest can be submitted by a Relevant Body. The Localism Act 2011 lists the following as Relevant Bodies:
 - A voluntary or community body – neither is a public or local authority. A voluntary body carries out its activities on a not-for-profit basis and any profit made is used for the purposes of its activities or invested back into the community. A community body carries out activities which are mainly for the benefit of the community. The definition in the legislation covers, but is not limited to: community benefit societies, co-operatives, community interest companies, charitable incorporated organisations and other companies where the company's articles of association state that the company objectives are to benefit the community rather than make profits for shareholders.
 - A body of persons or a trust which is established for charitable purposes only
 - A Parish Council – including those using the title 'town council'
 - Two or more employees of the Council – it is expected that these employees are likely to be already engaged in running that service and will form an employee-led structure to take on running the service under the Right
 - Any other person or body specified by the Secretary of State.

What can an Expression of Interest request to run?

3. The Community Right to Challenge applies to all Relevant Services. It does not apply to the functions of a Council. By way of example – a function is the decision making process, setting the budget, making a decision about a planning application or approving a new policy; a service is processing housing benefit claim forms, collecting household waste or conducting pest control inspections. An Expression of Interest can be submitted to run all or part of a Relevant Service across the whole Borough or in a specified geographical area.

What does an Expression of Interest have to contain?

4. The contents of the Expression of Interest are specified in the Localism Act and associated legislation. Further information can be requested from the Council where it aids understanding but the non-submission of this information cannot be a reason for rejection. The following information must be included to enable the Council to make a decision on the Expression of Interest:
 - Evidence that the submitting body meets the definition of a Relevant Body
 - Information about financial resources (for all partners involved)
 - Evidence that demonstrates that by the time of any procurement exercise the Relevant Body will be capable of providing all or part of the service (depending on their submission) (for all partners involved)
 - Information about the service the Relevant Body would like to provide and where it would like to provide it
 - Information about the outcomes the Relevant Body is seeking to achieve – in particular, the social, economic and environmental well-being of the local area and how it intends to meet the needs of service users. Expressions of interest should demonstrate how the proposal might offer social, economic or environmental benefits to the community and take into account social considerations, over and above the provision of the service
 - Where the Relevant Body consists of employees of the Council then details about the engagement of other appropriate staff members must be included
5. If the above information is not present in the Expression of Interest, the Council will have to reject the submission.

Who is the Expression of Interest submitted to

6. Expressions of Interest should be submitted to the Chief Executive. The Council then has 30 days to establish whether it has all of the information it needs to assess the Expression of Interest and to determine how long it will take to assess; small discrete services may take far less time to make a decision about whereas large complex Expressions of Interest will naturally take longer. The Relevant Body must be notified of how long it will take the Council to make a decision regarding the Expression of Interest.

When can an Expression of Interest be made?

7. The Council can accept Expressions of Interest at any time. However consideration of an Expression of Interest would have to take into account existing contract periods where services are already outsourced and existing partnership arrangements where services are delivered jointly by local authorities or by one on behalf of another.

Council Consideration of an expression of interest

What are relevant considerations?

8. At this stage of the process the Chief Executive, or his nominated officer will assess the Expression of Interest with a view to determining if it should be accepted, modified or rejected. The process of this consideration will depend upon the scale and complexity of the Expression of Interest and any decisions will be made in accordance with the Council's Constitution. All Expressions of Interest must detail how the change would enhance the social, economic and environmental well-being of the local area.

What can the Council decide to do?

9. The Council can decide to reject the Expression of Interest. There are specific reasons in the legislation for doing this and the Council must publish reasons for rejection on the website as well as notifying the Relevant Body in writing. More details are provided below.
10. The Council can accept the Expression of Interest which triggers a procurement exercise. More details are provided below.
11. The Council can ask the Relevant Body to modify the Expression of Interest to make it acceptable. More details are provided below.

Rejection

Why would an Expression of Interest be rejected?

12. The reasons by which a Council can reject an Expression of Interest are detailed in the Localism Act and are as follows:
 - The Expression of Interest does not comply with the regulations
 - Information provided in the Expression of Interest is inadequate or inaccurate
 - The Council considers the Relevant Body or partner organisation to be unsuitable to provide the service
 - The Council has already decided to stop providing that service (must be evidenced in writing)
 - The service is already the subject of a procurement exercise
 - The Council and a third party have already entered into negotiations for the provision of the service
 - There is a published intention to consider provision of the service by two or more employees of the service
 - The Expression of Interest is considered frivolous or vexatious
 - The acceptance of the Expression of Interest is likely to lead to breaking the law or a breach of statutory duty

Who need to be notified?

13. The rejection and the reasons for rejection must be publicised on the Council's website and the Relevant Body notified in writing. This must be done within 14 days of making a decision about the Expression of Interest.

Modification

Why would an Expression of Interest be modified?

14. In cases where the Council is minded to reject an Expression of Interest but feels that if certain modifications were made then it could accept the Expression of Interest, then the Council can agree to the Relevant Body modifying the proposal.

15. When entering into negotiations about modifications the Council and the relevant body will work together to resolve the matter in a timely fashion.

What decision can the Council make at this stage?

16. Following modification, the decision remains whether to accept or reject the Expression of Interest as detailed in other areas of this procedure.

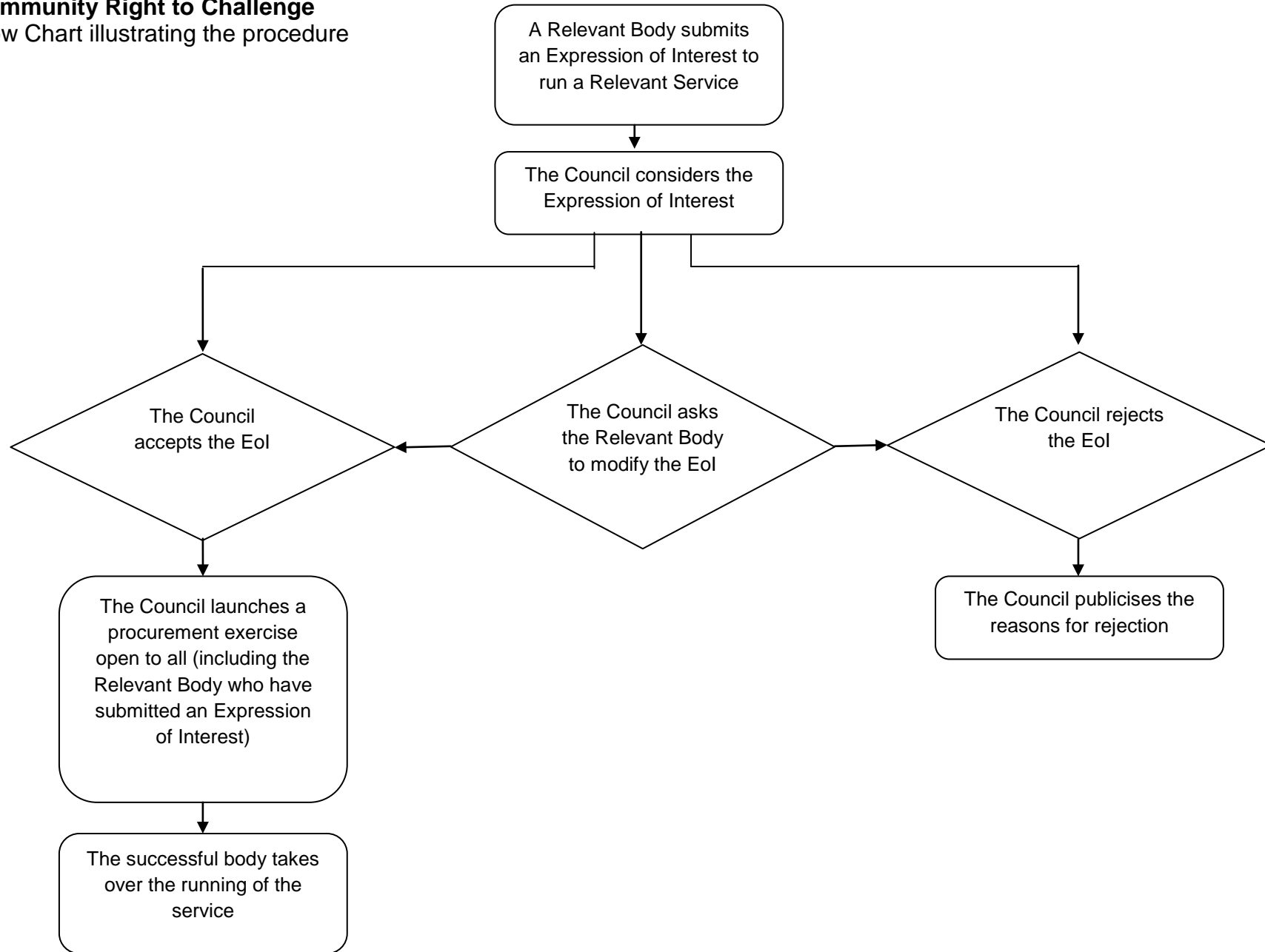
Acceptance

What happens if we accept an Expression of Interest?

17. Acceptance of an Expression of Interest triggers a procurement exercise which will be undertaken in line with the Council's agreed Procurement Strategy and Contract Tendering Rules as set out in the Council's Constitution. However, it must be noted that the Relevant Body who submitted the initial Expression of Interest to run the Relevant Service may not succeed in the procurement process. The length of time which the procurement process will take is very dependent on the scale and complexity of the service in question therefore every effort will be made to outline how long the process will take when the Expression of Interest is accepted.

A flow chart to summarise the procedure is attached.

Community Right to Challenge
Flow Chart illustrating the procedure



REPORT OF THE HEAD OF CORPORATE SERVICES

CABINET PORTFOLIO HOLDER – COUNCILLOR MRS J A SMITH

Summary

In October 2012 Cabinet asked the Community Development Group to consider the development of a procedure for administering the Assets of Community Value process. At its meeting on 30 October 2012 the Community Development Group considered a draft procedure which they subsequently recommended to Cabinet for approval. A copy of the procedure is attached as **Appendix One**.

Recommendation

It is RECOMMENDED that Cabinet considers and agrees the procedure for dealing with Assets of Community Value (**Appendix One**) as recommended by the Community Development Group.

Background

1. The Localism Act 2011 contains within it provisions for the community to register Assets of Community Value (ACV) with a view to bidding for ownership of those assets should they become available for purchase. Cabinet considered the need for a clear ACV procedure in October 2012. At that time Cabinet requested the Community Development Group to consider the development of a procedure in order to then recommend it to Cabinet for approval.
2. **Appendix One** outlines a procedure for dealing with ACV including two flow charts to simplify the process. This has been recommended to Cabinet by the Community Development Group which considered it at its meeting on 30 October. The procedure has been based on information contained within the Localism Act 2011 and the Department for Communities and Local Government (DCLG) Draft Statutory Instrument – Assets of Community Value (June 2012).
3. At its meeting on 30 October the Community Development Group made a number of observations on the procedure. Consequently minor amendments have been made to it to reflect these comments with the main change being to provide more detailed information in the section which sets out the bodies eligible to nominate an ACV.

Financial Comments

The Department for Communities and Local Government (DCLG) have confirmed a payment of £4,873 from 15 October to all relevant local authorities to cover costs associated with the new duties under the Assets of Community Value process. This payment is not ring-fenced and DCLG indicate that, subject to Parliamentary approval further payments will be paid in 2013 and 2014.

DCLG also indicate that the Government will reimburse local authorities for any compensation claims over £20,000 paid out in any year, ie regardless of whether it arises from one big claim or a number of smaller ones which aggregate to this amount.

Section 17 Crime and Disorder Act

None directly arising from this report

Diversity

None directly arising from this report

Background Papers Available for Inspection:

Assets of Community Value – Draft Statutory Guidance – June 2012

Report to Cabinet – October 2012 - 'Assets of Community Value – Scrutiny Arrangements'

Community Development Scrutiny Group – Assets of Community Value Draft Procedure – 30 October 2012

Procedure for Administering Assets of Community Value

Rushcliffe Borough Council

December 2012

Assets of Community Value

The Localism Act 2011 introduced Assets of Community Value enabling certain groups to express an interest in and potentially buy an asset that enhances the social wellbeing and interests of the local community. This procedure has been developed to help Rushcliffe Borough Council administer this new Community Right.

Nomination

Who can nominate an ACV?

1. Bodies eligible to nominate an ACV are as follows:
 - **Parish Councils.** This may be for an asset in its own area, or in the neighbouring parish council.
 - **Neighbouring Parish Councils.** If the parish council borders an unparished area, then they may nominate an asset within that neighbouring local authority.
 - **Unincorporated groups.** Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.
 - **Neighbourhood forums.** The procedure for becoming a neighbourhood forum is set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a 'neighbourhood forum'. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation, for example a forum should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the local community.
 - **Community interest groups with a local connection.** These must have one or more of the following structures:
 - a) A charity
 - b) A community interest company
 - c) A company limited by guarantee that is non-profit distributing
 - d) An industrial and provident society that is non-profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force)

In this context, non-profit distributing means that any surplus is not distributed to its members but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

What needs to be contained in the nomination?

2. A community nomination must include a description of the nominated land or building including its boundaries, the name of current occupant / owner, reasons why the land or building is felt to be of community value, and evidence that the nominator is eligible to make a nomination.

When can nominations be submitted?

3. Nominations must be written, submitted by one of the bodies above and contain the information specified. Nominations can be submitted at any time to the Council's Chief Executive.

Assessment

What criteria are used in assessing a nomination?

4. An initial assessment will check that all required information has been submitted in order to establish that the land or building is eligible for nomination (eg not a residential property or operational land), that the body submitting the nomination is eligible to do so and that the land or building does, or could, enhance the social wellbeing and interests of the local community.

What role does the owner of the land or building have?

5. Part of the assessment process will be to consult with the current owner of the land or building nominated. The owner can object to the land or building being included on the registered list and the Council must consider the grounds for objection but the owner of the land or building does not decide whether the asset is included on the list or not.

Who makes the decision and how long does it take?

6. A decision to include an asset on the register of Assets of Community Value rests with the Head of Community Shaping (or equivalent) following consultation the relevant Cabinet portfolio holder, the ward member and the current owner of the land or building. This decision must be made within 8 weeks of receiving the initial nomination.

What happens next?

7. A decision is then made as to whether the land or building is considered to be an Asset of Community Value or not. If the decision is that it does, or could, benefit the social wellbeing or interests of the community then it is listed on a register of Assets of Community Value and published on the Council's website. Unsuccessful nominations are also published on the Council's website with an explanation of why they were unsuccessful. Both the nominating group and current owner of the land or buildings should be notified of the decision. The relevant parish or town council will also be notified.
8. If an asset is included on the list, an owner has the right to request the Council to review its decision. This request must be submitted 8 weeks from the date written notice of the listing was given. The asset will remain listed while the review is carried out. The internal review will be conducted by an officer of appropriate seniority of the Council not previously involved in the decision to list the asset. This officer will be nominated by the Chief Executive.

The Council will aim to complete the review within 8 weeks, if a longer period is necessary this will be agreed in writing. If the owner is not satisfied with the outcome of the internal review they have the right to appeal to the First-Tier Tribunal against the Council's decision. This appeal must be made within 28 days of the notice of the decision of the Council's internal review.

Does the list ever get reviewed?

9. The published list of Assets of Community Value should be reviewed every two years to ensure it remains current.

Intention to Sell

What happens when the owner of a registered asset wishes to sell?

10. The owner of a registered asset must notify the Council if he wishes to sell. The Council will then inform the group who originally nominated the asset of the owner's intention to sell.

What happens next?

11. The nominating group has a six week window of opportunity to decide whether or not it is in a position to put forward a proposal to buy the land or building if the owner of the nominated asset wishes to sell. It does not have to put forward the proposal within this six week window, just express an interest. This expression of interest triggers a six month moratorium period during which the owner can not sell the asset and the community group has time to put together a bid for the asset.

Does the owner of the registered asset have to sell to the community group?

12. No, the owner of the asset may still choose to sell the asset on the open market following due consideration of the community bid and the end of the six month moratorium. This process gives the community the opportunity to bid for an asset, it is not a requirement for the owner to sell to the community.

What happens if the community group does not express an interest in bidding for the land or building at that particular point in time?

13. Under these circumstances, the owner of the land or building is free to sell it on the open market.

Further Council Involvement

Does the Council have any further involvement?

14. The Council could decide to offer help to communities in preparing bids, finding funding or in an advisory capacity.
15. Where necessary the Council will consider claims for compensation from owners of registered assets that find themselves barred from selling whilst the community prepare a bid for ownership. The process for considering payment of compensation will be consistent with that set out in the Assets of Community Value (England) Regulations 2012.

Two flow charts are included to illustrate this process.

