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**Our reference:**  
**Your reference:**  
**Date:** 22 October 2012

To all Members of the Community Development Group

Dear Councillor

A meeting of the COMMUNITY DEVELOPMENT GROUP will be held on Tuesday 30 October 2012 at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely

Head of Corporate Services

### **AGENDA**

1. Apologies for absence
2. Declarations of Interest
3. Notes of the Meeting held on Tuesday 17 July 2012 (pages 1 - 5)
4. Assets of Community Value – Draft Procedure

The report of the Head of Corporate Services is attached (pages 6 - 13).

5. Community Right to Challenge – Draft Procedure

The report of the Head of Corporate Services is attached (pages 14 - 22).

6. Work Programme

The report of the Head of Community Shaping is attached (pages 23 - 24).

7. Request For Scrutiny – West Bridgford: Democracy And Local Engagement

The report of the Deputy Chief Executive (PR) is attached (pages 25 - 30).

## Membership

Chairman: Councillor N C Lawrence

Vice-Chairman: Councillor T Combellack

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

<b>Meeting Room Guidance</b>
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**NOTES**  
**OF THE MEETING OF THE**  
**COMMUNITY DEVELOPMENT GROUP**  
**TUESDAY 17 JULY 2012**

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

**PRESENT:**

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

**ALSO IN ATTENDANCE:**

Councillors D G Bell and R M Jones.

**OFFICERS PRESENT:**

M Dunne	Principal Area Planning Officer
D Dwyer	Strategic Housing Manager
S Harley	Head of Planning and Place Shaping
C McGraw	Head of Community Shaping
M Marshall	Principal Area Planning Officer
V Nightingale	Senior Member Support Officer
A Pegram	Development Control Manager
P Randle	Deputy Chief Executive (PR)

**APOLOGIES FOR ABSENCE:**

There were no apologies for absence

**1. Declarations of Interest**

There were none declared.

**2. Notes of the Previous Meeting**

The notes of the meeting held on Monday 26 March 2012 were accepted as a true record.

With regard to the action points Members were informed that these had all been completed. The Deputy Chief Executive (PR) gave a further update on the Site of Interest for Nature Conservation adjacent to the disused railway line in Ruddington. He explained that the land was owned by the Railway Heritage Trust and the Nottingham Wildlife Trust was currently looking at obtaining a licence to manage the area. Negotiations were taking place regarding the use of Section 106 money to enable the Wildlife Trust to maintain the site for a minimum of ten years. It was envisaged that work would commence within the next few months.

**3. Cabinet Member Questions**

There had been none received.

#### 4. Choice Based Lettings Progress Report 2012

The Strategic Housing Manager presented a report on the Choice Based Lettings scheme which had now been in operation for around fifteen months. Members were informed that there were fourteen housing associations and three councils operating the sub regional scheme. The scheme has one common housing register and everyone uses the same IT software framework. Properties are advertised on a weekly basis and the person who bids and is the highest on the list is offered the tenancy. It was felt that this was a more open and transparent process although it had to be recognised that there was no guarantee that somebody would be housed quicker, as this was determined by the number of properties available.

Members were informed that a piece of work was to be undertaken later in the year to ascertain how accessible the system was and why 41% of people registered had not made a bid. Officers assured Members that assistance was available from staff, who could bid on people's behalf or there was an autobid facility. Another area for consultation was the review of the housing allocations policy. This could have some wide ranging changes due to the flexibility that was introduced as part of the Localism Act. This was a complex issue as all three local authorities had a common Allocations Policy; however each area would have to reflect their own local circumstances.

Following the commencement of the scheme officers had taken on board partners' and customers' comments and had made some changes to the system. Originally the properties had been advertised every two weeks but this had been changed to weekly in order to speed up the process. Also the system could offer people a more holistic approach and could signpost people towards other services, ie jobs in the local area.

Following a question the Strategic Housing Manager explained the differences between the four bands with Band 1 being in urgent need to Band 4 who were low priority. It was also recognised that as people's circumstances changed they could move up and down the bands. Members were concerned that some people in Band 1 were not bidding. Officers explained that the system enabled officers to identify anyone who had not made a bid within a set timescale, if they were in Bands 1 or 2 then officers would contact them and see why and whether they needed any further assistance. Members were informed that people who were in temporary accommodation had up to twelve weeks to make a bid. Officers felt that this was too long and were proposing to shorten this to six weeks, especially as the hostels were being fully utilised.

Members asked questions about the number of allocations across the bands. Officers explained that the figures could be skewed by the number of sheltered accommodation that was being let and also the hard to let properties, which would be taken by people in Band 4 or even from the other two councils' areas. The scheme had been devised with an approximate 5% cross boundary mobility, although it was recognised that there still had to be a local connection for the majority of lettings.

In respect of vulnerable people Members were concerned that it was more difficult to identify the needs of people with mental disabilities and asked how officers identified the most appropriate way forward. The Strategic Housing

Manager explained that each case was assessed on its own merits and if necessary asked for supporting information from a doctor or a specialist. Unfortunately officers could only act upon the information they were given, however, officers in the Housing Options Team had a wide experience base and would signpost people to various agencies that could assist them. Also if the team had concerns they would seek further information to assist the person. Referring to the report Members stated that people with learning disabilities might have less engagement with Choice Based Lettings than other categories of disability. The Strategic Housing Manager stated that this was an area where further research would be undertaken and contact would be made with those people to ascertain if there were any barriers stopping them using the system.

With regard to the number of people on the register Members were informed that demand for housing did outstrip supply and that on average 25 applicants were rehoused every month. Annually officers conducted a review of the register and approximately 40% did not respond and therefore their application was removed, thus keeping the register at approximately 1,200. To help meet demand officers were considering innovative ways to use the private sector. Members were concerned that the number of people on the waiting list without any need (Band 4) factored into their deliberations regarding the number of houses that needed to be built and therefore if the actual need was less than the number of people on the list this could affect the decisions the Council made and the pressure that was put on developers to deliver more social housing. In response, the Strategic Housing Manager said the evidence base for determining housing need not only took account of numbers on the housing register (backlog need) but also demographic data which was used to ensure the Council adequately planned for future emerging households. Most of the need (evidence base) for affordable housing came from emerging households (74%) rather than people on the housing register.

In response to a question Members were informed that there had been a restructure in the Housing Allocations Team at Metropolitan Housing Trust, which had coincided with a number of people being on leave and this had impacted on the figures for April and May 2012 but this had now been resolved.

The Chairman, on behalf of the Group, stated that the report had been excellent and very informative.

It was AGREED that this subject should remain with the Community Development Group for further scrutiny next year and that one of the elements for the next report should be how the team in partnership with Metropolitan Housing Trust deal with hard to let properties.

## **5. Planning Application – Public Notification Process**

The Deputy Chief Executive (PR) stated that there had been a request to scrutinise the notification process. The Group were presented with information regarding the current process and the reasons why people were consulted. The Development Control Manager had produced a flow chart which illustrated how a planning application was considered, what steps there were in the

process and how the consultation could impact on that process. The Development Control Manager explained that consultations on amended plans were not required by law.

The Group acknowledged that the Council met its statutory obligations, had a very sound process in place, did considerably more than it had to regarding notifications and provided a very good service. Members felt that this was an area that required consideration to identify issues that were reported to Councillors and to ascertain if there were any areas that could be improved.

The Group were shown examples of recent applications and how, depending on the impact of the development, the notification exercise was undertaken. He explained that although people might be interested in the development only material planning considerations could be taken into account. It was recognised that it was a balance between raising people's expectations that they could influence a decision and planning guidance regarding material considerations. However, anyone could comment on an application and everyone who had made a comment would be consulted if the application was resubmitted. Referring to the examples the Development Control Manager explained that, on a recent application, officers had asked for the proposed flight paths of the helicopters and consulted with everyone in that area.

Following a question, officers explained that a large number of applications are publicised via a site notice. Officers used Ordnance Survey maps to identify properties that should be consulted. At the site visit the officer could also identify additional properties and some applications were advertised in local papers. All applications were on the Council's website, paper copies were held at the Rushcliffe Community Contact Centre and paper copies were sent to town and parish councils.

The Development Control Manager explained that officers had initiated areas for improvements and these included notifying adjacent parishes regarding applications that could have a wider impact and now a map of the application site was shown on the site notice. Following a suggestion the Development Control Manager stated that the Council's system was being updated and it was hoped that soon the decision notice would automatically either be sent electronically, if an email address had been supplied, or by post.

Members queried the consultation process regard the siting of telephone masts and whether everyone within the perceived radiation area should be notified. Officers explained that near neighbours were notified, a site notice was erected and that any school within a 250 metre radius was consulted. The health implications were taken into consideration by other agencies; the Development Control Manager stated that where a mast met the ICNIRP (International Commission on Non-Ionizing Radiation Protection) regulations, then health would not be a material planning consideration when deciding an application.

With regard to site notices Members raised concerns that these were not being removed following a decision. It was suggested that the parish council should be asked to remove them. Officers stated that they were considering asking the applicant to remove the site notice. Although as all parishes did receive

notification of the decisions this could act as a trigger for them, or Ward Members, to remove the notice.

In respect of training for parish councillors the Head of Planning and Place Shaping stated that this had been an item at a recent parish forum and she had made the presentation available to the parish clerk.

Members asked officers to consider:

- Informing adjacent ward members, if a consultation crosses the ward boundaries
- Consider ringing/emailing the ward member before a site visit to ascertain if the development would have a wider impact
- Sending site notices to the parish council to place on their notice boards, as was already done for conservation areas and listed buildings
- Ward Members could contact community associations in their areas as they were not statutory consultees. Also they could have the weekly list of planning applications
- Putting a QR (quick response) code on the site notice

The Chairman thanked the officers for attending the meeting and providing an informative and interactive session. It was acknowledged that officers and Members were working in partnership to ensure that the community were informed and that they did not have their expectations raised unrealistically.

## 6. **Work Programme**

The Group considered its work programme. It recognised that there was flexibility within the programme to accommodate any issues arising from the Localism Act.

The meeting closed at 9.10 pm.

## REPORT OF THE HEAD OF CORPORATE SERVICES

### Summary

In October 2012, the Cabinet asked the Community Development Group to consider the development of a procedure for administering the Assets of Community Value process. This report and associated appendix presents a draft Assets of Community Value procedure for discussion.

### Recommendation

It is RECOMMENDED that the Community Development Group considers and discusses the procedure for dealing with Assets of Community Value and recommends it to Cabinet for approval

### 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.
2. The ACV process will enable communities to express an interest in owning assets like village shops, community centres, children's centres, libraries, or a local pub should the owner wish to sell. The Council is responsible for creating and publishing a list of assets nominated by the community which meet the specified criteria and a separate list of those nominated that do not meet the criteria.
3. If, at any point in the future, the owner of a registered asset wishes to sell, the community is given a window of opportunity to express an interest in purchasing the asset at that point in time. If they do wish to put forward a proposal, then a six month moratorium is put in place to enable the community to draw up a purchase plan and make an offer to the owner of the asset. The owner of the asset does not have to accept the community bid but must give it due consideration. The Assets of Community Value process does not guarantee the Asset will be sold to the community or remain in community use. But it does give the community the opportunity to prepare a bid for the Asset.
4. The Cabinet considered the need for a clear ACV procedure in October 2012. It has requested that the Community Development Group consider the development of a procedure in order to recommend it to Cabinet for approval.
5. **Appendix One** outlines a draft procedure for dealing with ACV including two flow charts to simplify the process. The draft procedure has been based on



information contained within the Localism Act 2011 and the DCLG Draft Statutory Instrument – Assets of Community Value (June 2012).

6. The Community Development Group are asked to consider the draft procedure attached as **appendix one** with a view to recommending this to Cabinet for approval.

#### **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'

Localism Act 2011

**Draft Procedure for Administering  
Assets of Community Value**

**Rushcliffe Borough Council**

**October 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:
  - a local voluntary or community group that is incorporated – this means it has a separate legal status from its members
  - a local voluntary or community group that is not incorporated but has at least 21 members who are locally registered to vote
  - a Parish or Town Council
  - a neighbourhood forum (Section 61F Town and Country Planning Act 1990)

#### ***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 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?***

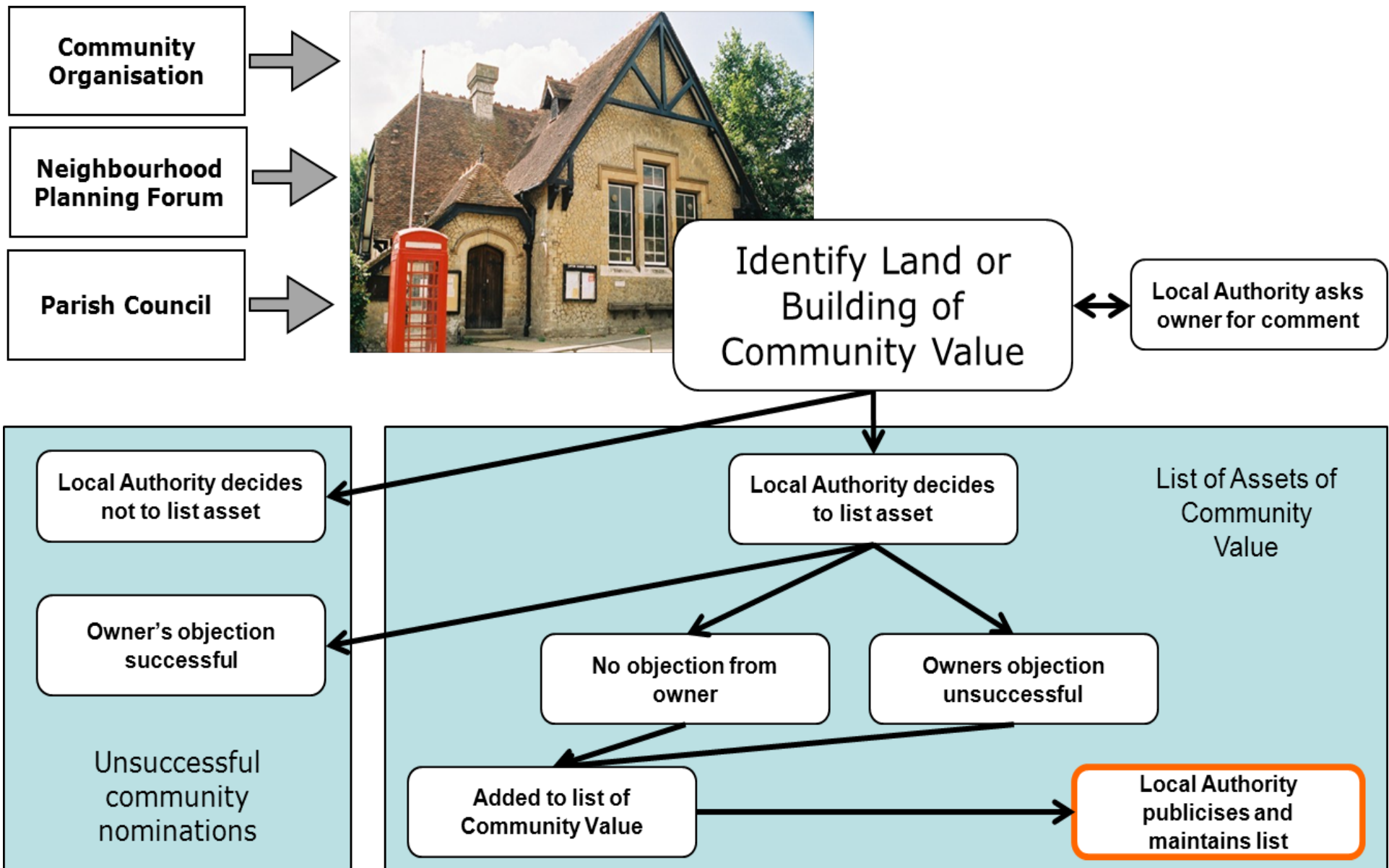
13. Under these circumstances, the owner of the land or building is free to sell it on the open market.

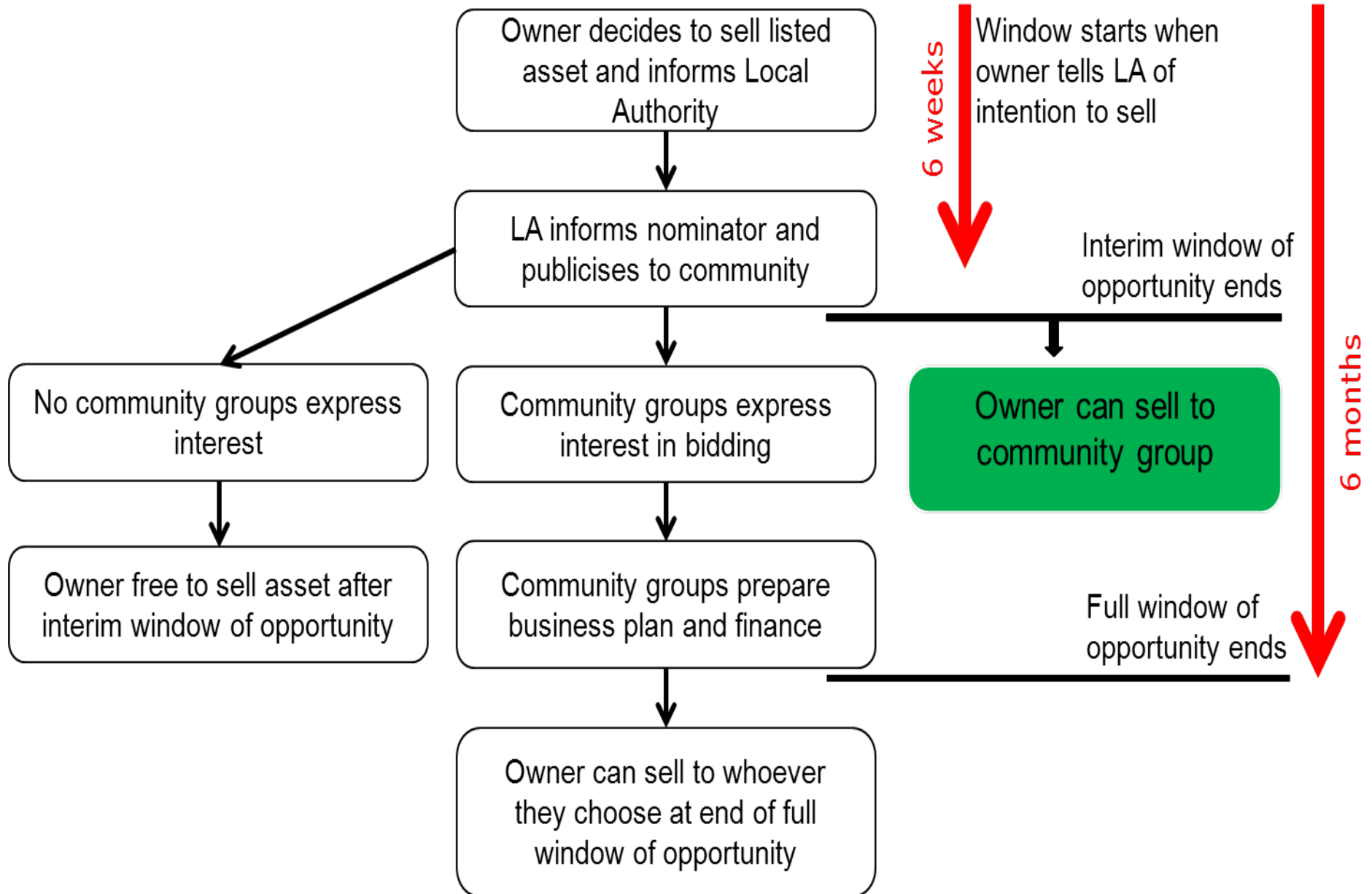
### **Further Council Involvement**

***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 below to illustrate this process.





## REPORT OF THE HEAD OF CORPORATE SERVICES

### 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. Cabinet recommended terms of reference to inform this exercise which are set out at **Appendix A** of the report. This report also sets out the background to the process and provides at **Appendix B** a draft Community Right to Challenge process for the Group to consider.

### Recommendation

It is RECOMMENDED that the Community Development Group considers and discusses the procedure for dealing with Community Right to Challenge and recommends it to Cabinet for approval

### Background

1. The Localism Act 2011 contains within it 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. The CRTC applies to services which are provided by, or on behalf of, the Council. It does not apply to functions of the Council. The general distinction between a function and a service is that a function is a duty or power that requires decision making by the Council, whereas a service does not. For example, decisions on planning applications are a function, but waste collection is a service.
3. The Cabinet considered the need for a clear CRTC procedure in May 2012. It has requested that the Community Development Group consider the development of a procedure in order to recommend it to Cabinet for approval.
4. **Appendix B** outlines a draft procedure for the CRTC including a flow chart simplifying the process. The draft procedure has been based on information contained within the Localism Act, the DCLG Policy Statement – Community Right to Challenge (September 2011) and Statutory Guidance on the Community Right to Challenge (June 2012).



5. The Community Development Group are asked to consider the draft procedure attached as **Appendix B** giving particular regard to the terms of reference agreed by Cabinet in May 2012 attached as **Appendix A**

**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

## **Community Right to Challenge**

### **Cabinet referral to the Community Development Group**

These terms of reference aim to inform the Group's consideration of the issue.

This is in order that the Group is able to make informed recommendations to Cabinet setting out a proposed process to facilitate the Community Right to Challenge.

#### *Terms of reference*

*That the Community Development Group considers the Community Right to Challenge in order to make recommendations to Cabinet setting out a proposed process*

*In doing so the Group gives regard to:*

- *the relevant provisions within the Localism Act 2011 and the DCLG Policy Statement 'Community Right to Challenge – September 2011*
- *the DCLG regulations when published*
- *if there should be a specific period when expressions could be submitted*
- *what information should be included in an expression of interest*
- *who expressions should be submitted to and how and who should determine validity*
- *the development of mechanisms for acceptance, modification or rejection of expressions of interest and the time scale for determination*
- *the timescale for determination of expressions and the minimum and maximum time frames*
- *the minimum and maximum timescale for undertaking a procurement exercise if an expression of interest is accepted*

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

**Rushcliffe Borough Council**

**July 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 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
  - 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.

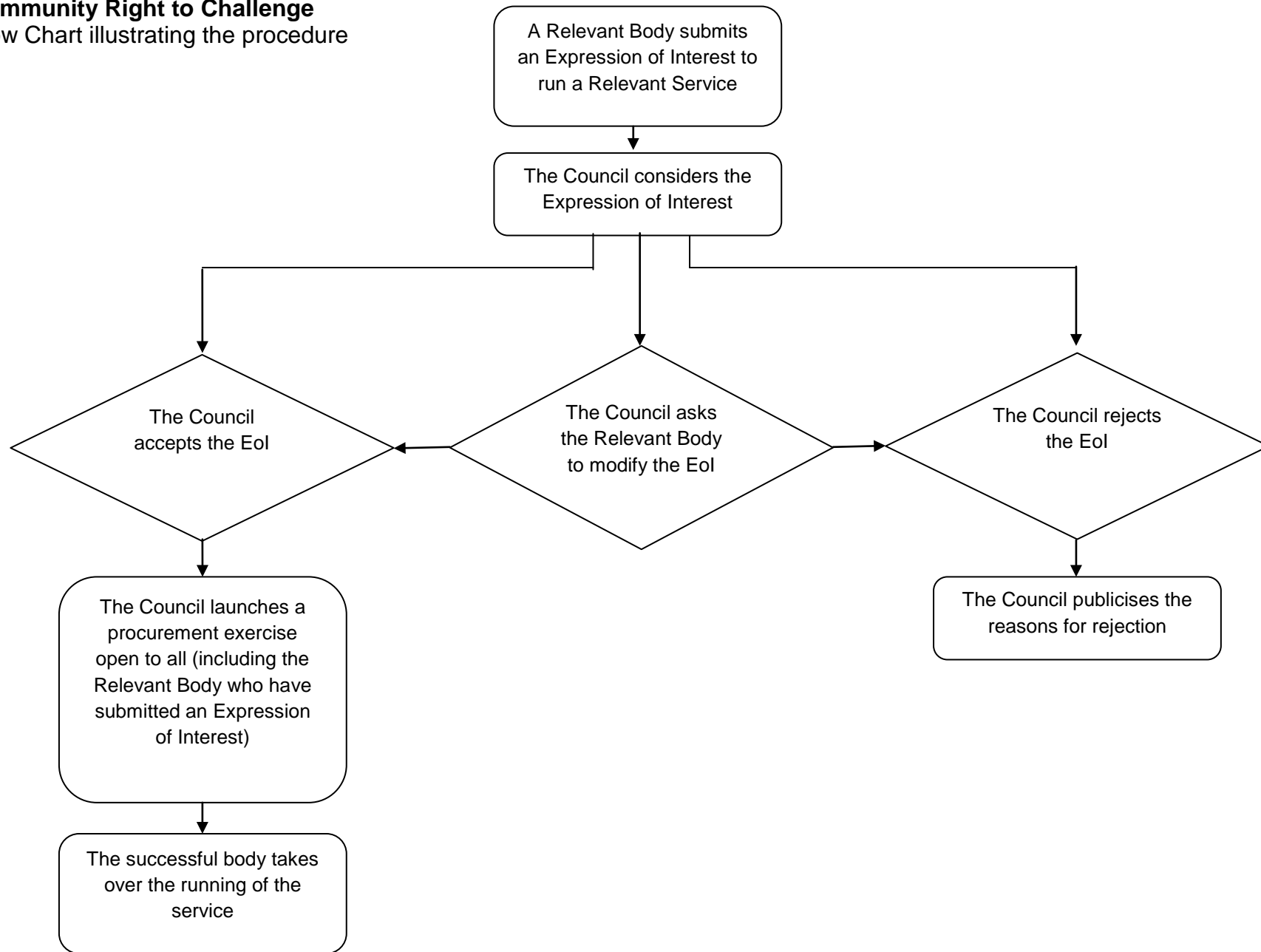
## **Acceptance**

***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 COMMUNITY SHAPING**

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

### **Recommendation**

It is RECOMMENDED that the Group notes the report.

<b>Date of Meeting</b>	<b>Item</b>
30 October 2012	<ul style="list-style-type: none"> <li>• Work Programme</li> <li>• Request for scrutiny- Community Governance- West Bridgford</li> <li>• Community Right to Challenge</li> <li>• Assets of Community Value</li> </ul>
6 December 2012	<ul style="list-style-type: none"> <li>• Work Programme</li> <li>• Review of the relationship between the Borough and the parish councils</li> <li>• Review of the Housing Allocations Policy</li> </ul>
5 February 2013	<ul style="list-style-type: none"> <li>• Work Programme</li> </ul>
9 April 2013	<ul style="list-style-type: none"> <li>• Annual Review of Scrutiny</li> <li>• Work Programme</li> </ul>

**Financial Comments**

No direct financial implications arise from the proposed work programme

**Section 17 Crime and Disorder Act**

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

**Diversity**

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

**Background Papers Available for Inspection: Nil**

## REPORT OF THE DEPUTY CHIEF EXECUTIVE (PR)

### Introduction

1. In accordance with the overview and scrutiny procedure rules in the Council's constitution, Councillors Jones and Bannister have requested that the democratic and community engagement arrangements for the governance of West Bridgford (known as a community governance review) should be a topic for scrutiny. If the request is accepted, the scrutiny would be undertaken by this Group.
2. The constitution provides for a maximum of 15 minutes consideration by the Group prior to it deciding whether the item is suitable to be included within the scrutiny programme. Councillors Jones and Bannister have produced some brief details to justify and support their request, which are attached to this report.
3. This report is based upon the initial questions that this Group has previously agreed should be addressed when considering any request from a Member for a topic to be included on a future agenda. These include an officer assessment of the likely resource requirements that would be needed.

### Initial questions to ask

**A. Why would we do this?**

Officers are not aware of any 'pressure' for change other than the emerging campaign that is seeking to establish a parish council in Edwalton. The attached paper outlines why Councillors Jones and Bannister feel the issue should be scrutinised.

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

This is not a task in the Corporate Strategy 2012 -16 and does not link specifically to any of the 9 strategic tasks identified.

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

This is very much a matter of opinion and officers cannot provide an objective view. Councillors Jones and Bannister have outlined their views in their report.

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

There is no known evidence other than the campaign referred to above which is seeking to establish a parish council in Edwalton. It is not clear whether a community governance review of West Bridgford would be compatible with the desire to create a parish council in Edwalton .

**E. What would we wish to achieve and why?**

Not known at this time. There are various options of governance and community engagement that could be explored as part of a scrutiny process.

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

The Council has recently approved a Corporate Strategy that includes 9 substantial strategic tasks which, in the main are being undertaken in addition to the day to day work of the Council. These include implementing the 4year plan that aims to transform the delivery of many Council services and achieve substantial savings over 4 years. The Corporate Services service is also currently managing the Rushcliffe Electoral Review. Consequently, it is not considered that there are currently any staff resources available to undertake this work without a reprioritisation of work schedules. The Group's work programme would appear to be able to accommodate this work during 2013 although new issues may emerge from the Corporate Strategy, the 4year plan and the Localism Act.

**Are there reasons to reject the topic?**

**G. Is it in the scrutiny groups terms of reference?**

Yes, this topic falls within the terms of reference of the Community Development Group

**H. Is it already being addressed?**

No.

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

An Electoral Review of Rushcliffe is currently taking place. The advice from the CLG and the Local Government Boundary Commission for England is that councils should avoid starting a community governance review if an Electoral Review is taking place.

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

As Councillors Jones and Bannister point out in their report, this depends on a person's individual view.

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

Not at the current time without reprioritising other work. See F above.

**Summary**

4. Councillors Jones and Bannister have requested that the arrangements for the governance of West Bridgford should be scrutinised and have explained their reasoning in the attached paper.
5. The Council has approved a Corporate Strategy that includes transforming the way the Council works to ensure that it can manage the very challenging

financial pressures that will have to be faced over the next decade. Capacity has, by necessity, been reduced over recent years as a result of budget constraints. Consequently, having regard to current commitments there is insufficient staff capacity to undertake a community governance review which would require, amongst other things, a comprehensive public consultation.

6. If such a review were to be supported, it would need to be scheduled into the future corporate work programme and it would be advisable for any outcome to dovetail with the result of the Electoral Review which will come into effect at the next Borough Council election in 2015.

#### **Financial Comments**

If it is decided that this topic should be scrutinised there would be financial implications which would need to be properly assessed and budgeted for in 2013/14.

#### **Section 17 Crime and Disorder Act**

No specific implications

#### **Diversity**

No specific implications

**Background Papers Available for Inspection: Nil**

### **Member Paper for the meeting of the Community Development Group**

It was agreed at the meeting of the Chair's and Vice-Chairs of Scrutiny Groups on 16 March that an item and paper would be considered by the Community Development Group. Two members agreed to produce this paper.

#### **WEST BRIDGFORD: DEMOCRACY AND LOCAL ENGAGEMENT.**

##### **1 Introduction**

- 1.1 West Bridgford is a large suburban area in which some 42,700 of Rushcliffe's overall population of 112,800 live. In West Bridgford the first level democratic body is Rushcliffe Borough Council. The Borough Council determines the level of the precept on West Bridgford residents and how it is spent on community facilities.
- 1.2 The other 70,100 residents of Rushcliffe live in the six larger settlements (Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington) and in the smaller villages in the large rural area of the Borough. The primary local democratic body for most of these residents is their Town Council or Parish Council.
- 1.3 The focus of this report is to examine the nature of these differences for West Bridgford and the implications of what has been called 'the democratic deficit'. For some people the question of whether West Bridgford should have some form of local democratic body is a long standing issue and for others it is of little interest. Some dismiss it as costly without regard to income opportunities.

##### **2 West Bridgford: the suburb and identity**

- 2.1 West Bridgford has several sub-areas. Lady Bay is the most physically distinct area but Edwalton and the more recent housing estates of Gamston and Compton Acres may be felt to be localities if not communities. The residents of areas of mainly older housing covered by the Wards of Abbey, Lutterell, Melton, Musters, Trent Bridge are in many cases likely to identify with their own and local roads. The residents of all these areas are by common interest in their parks, schools, churches, postal address and boundaries, West Bridgfordians.
- 2.2 One view is that if you are mainly content with where you live and are not engaged in the community, you are likely to show little interest in changing the civic arrangements. However there is plenty of evidence to the contrary. Gamston has a Parish Council albeit in conjunction with Holme Pierrepont which is outside West Bridgford and some residents in Edwalton are looking to

form a Parish Council. There are Community Associations albeit small, in Lady Bay, Central and Compton Acres. Some roads have informal social committees.

- 2.3 There are many individuals and groups who actively and positively contribute to the betterment of the communities in West Bridgford. These include Faith Groups, Totally Locally, Transition West Bridgford, Allotment Associations, volunteer groups maintaining sites of natural interest and conservation, Arts groups, Drama groups, the many Sports Groups, Parent and Toddler groups, Surestart groups, Historical Societies, Youth Groups and many others. There is potential for this vibrant volunteer effort to be better recognised and opportunities for cooperation identified. The use of Community Halls and parks/recreation grounds/fields could be better connected with these groups. At present there is no one local cross-over place where opportunities for cooperation and use of facilities can easily be discussed, and where individuals seeking to start an activity can be connected and local decisions made. A local democratic West Bridgford body or bodies could enable this.
- 2.4 Currently local Borough Councillors have no mechanism for acting collectively about any matter affecting West Bridgford. (The number of such councillors for West Bridgford is due to reduce after the next election as a result of proposals made by that Council) This is in complete contrast to the situation in areas covered by Parish and Town Councils.

### **3 The Cost**

- 3.1 The cost of local services which elsewhere are run by Town or Parish Councils and the cost of administration is part of the precept which is already charged to West Bridgford residents as part of their council tax. One question to be explored is the breakdown of expenditure which Rushcliffe includes in the West Bridgford precept and options ahead. A local Council or other local bodies would determine the use of that current precept.
- 3.2 The main clear unavoidable additional cost of one or more local Councils would be the periodic elections to the Council and cost of administering local meetings. It is possible that additional costs would arise from local decisions about local services. On the other hand there are opportunities for savings and for fresh sources of income. For a band D property in Rushcliffe, the average full council tax charge is £1,603.93. Rushcliffe's share of that Council Tax is £113.22 and it attributes a further £54.20 for expenditure on West Bridgford.

### **4 Why an issue now – blocks and opportunities.**

- 4.1 Many individuals and civic groups in West Bridgford have not been, and do not feel, involved in shaping their area and its facilities. West Bridgfordians often feel that massive changes which affect their lives are being done to them. From Sharphill to Sainsburys applications, from

questionable enforcement of the Town Centre pedestrian area, to changes in bus routes through to the GP mega Surgery. There is a strong sense of residents feeling that they have little say and certainly no early engagement with the considerations.

- 4.2 In planning applications, Town and Parish Councils are statutory consultees. They are consulted about planning applications in the area in addition to the relevant Borough Councillor. In West Bridgford only the ward Borough Councillors are consulted and therefore an opportunity for wider engagement is missing.
- 4.3 Similarly proposers of developments (construction, shops, surgeries, community campaigns) have no local focal point to engage local people in a representative fashion. West Bridgfordians have no local involvement and there is no local plan about the area and civic services for the whole of West Bridgford.
- 4.4 Localism is a key part of national policy. Building strong and active communities has never been more important as local government budgets come under severe pressure. Ways of working at community level and ways of fostering greater local volunteering and civic responsibility are of increasing importance. Town and Parish Council's do just that.
- 4.5 Outside West Bridgford many areas have parish or village plans. In production of the plans, there is wide local consultation and residents' involvement. In West Bridgford there is no equivalent local town or neighbourhood plan, no civic master plan, no vision for the continued growth of estates and no framework for involving the many interested groups in shaping their area.

**Councillors Rod Jones and John Bannister**