

**MINUTES
OF THE MEETING OF THE
CABINET
TUESDAY, 10 JULY 2018**

Held at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

Councillors S J Robinson (Chairman), D Mason (Vice-Chairman), A Edyvean,
G Moore and R Upton

ALSO IN ATTENDANCE:

Councillors R Jones, A MacInnes and R Mallender

OFFICERS IN ATTENDANCE:

D Banks	Executive Manager - Neighbourhoods
J Crowle	Monitoring Officer
A Graham	Chief Executive
D Mitchell	Executive Manager - Communities
L Webb	Constitutional Services Officer
S Whittaker	Financial Services Manager

APOLOGIES:

There were no apologies.

9 Declarations of Interest

There were no declarations of interest.

10 Minutes of the Meeting held on 12 June 2018

The minutes of the meeting held on Tuesday 12 June 2018 were approved as
a correct record and were signed by the Chairman.

11 Opposition Group Leaders' Questions

There were no questions.

12 Citizens' Questions

a) Question from Carys Thomas to Councillor Upton

“Why has outline planning permission for the land South of Clifton not
yet been granted, despite the fact that authority to do so was delegated
to the Executive Manager (Communities) on 25 January 2018? Delay
on this site is negatively affecting the housing land supply calculations,
meaning that East Leake is subject to explosive housing growth far in

excess of the minimum level stated in the Core Strategy.”

Councillor Upton responded that the granting of planning permission was dependent on the signature of the associated Section 106 Agreement. It was noted that the agreement was substantially complete and was currently with the applicants solicitors for final agreement. It was anticipated that outline planning permission would be granted in the near future.

Councillor Robinson noted that he and the Chief Executive had recently met with the applicant and developers and that they were keen to proceed with outline planning permission as soon as possible.

b) Question from Conrad Oatley to Councillor Upton

“Why is the Council taking so long to implement CIL? Are you aware that while you are delaying this, the pooling rules mean that East Leake is losing large amounts of developer S106 contributions which could be used for much needed infrastructure such as a new Health Centre and sports pavilion?”

Councillor Upton noted that the Council’s proposals for the introduction of the Community Infrastructure Levy (CIL) would be discussed at that evening’s Cabinet meeting. It was noted that the introduction of CIL had been linked to the work associated with the development of the Local Plan Part 2 which still required further consultation and external examination before its adoption.

It was also noted that the Council had supported East Leake Parish Council by objecting to several planning applications but that these applications had been granted on appeal. Councillor Upton advised that planning applications that had already been approved could not be made retrospectively liable for CIL, but that the Council would progress to implement CIL as fast as it reasonably could if the first initial steps to enable the process to implement CIL were approved by Cabinet later that evening.

c) Vivien Stickland to Councillor Debbie Mason

“Could you advise how the Council ensures that it meets its Public Sector Equality Duty under the Equality Act across all Council departments, and has it ever failed to meet this requirement? In addition could you also advise how progress in this area is monitored and reported to Councillors.”

Councillor Mason responded that the Council ensured that all employees received equality awareness training. It was also noted that the Council ensured that the Council paid due regard to its Equality Duty. Councillor Mason advised that the Council also produced Equality Impact Assessments when considering new policies and initiatives. It was noted that the Council also had an Equalities scheme which set out the aims of the Council, what the Council had achieved and what the Council’s objectives were in the future with regard to equalities.

Councillor Mason advised that all relevant and monitoring data was reported back to the Performance Management Board on an annual basis and was available for the public to view on the Council's website. It was noted that every public sector organisation was working hard to ensure that the equality requirements were met.

13 Community Infrastructure Levy Draft Charging Schedule

The Portfolio Holder for Housing, Planning and Waste Management presented the report of the Executive Manager – Communities to provide an update on the latest position in the development of the Community Infrastructure Levy (CIL) in Rushcliffe Borough following consultation on the preliminary draft charging during in February and March 2017.

The Portfolio Holder advised that the Government had introduced the legislation in 2010 that enabled local authorities to introduce a Community Infrastructure Levy which would fund new infrastructure required to support growth. It was noted that CIL was intended to sit alongside Section 106 and other legal agreements in order to fund new infrastructure to support development. The two would operate together, on the basis that, generally, Section 106 agreements would be used to secure new infrastructure that is required to support individual development schemes (particularly on-site facilities) and CIL would be used to fund new infrastructure that was required to support a number of developments. The Portfolio Holder advised that CIL was a charge levied on new buildings and extensions to buildings according to their floor area, with the rate charged being based upon a charging schedule set by the local authority. The charging schedule is set only after a formal process, concluding in an Examination in Public.

It was noted that in October 2016 Cabinet had resolved to support the principle of establishing a Community Infrastructure Levy and supported a proposed timetable for its preparation, examination and adoption (Minute No. 22, 2016/17). It was also noted that the Community Levy Infrastructure intended to sit alongside Section 106 and other agreements in order to fund new infrastructure and to support development. It was explained that Section 106 agreements would be used to secure new infrastructure that was required to support individual development schemes and that the Community Infrastructure Levy would be used to fund new infrastructure required to support a number of new developments.

The Portfolio Holder also requested Cabinet support a six week public consultation on the Community Infrastructure Levy drafting schedule and supporting documentation including the draft regulation 123 list prior to being submitted for independent examination. If endorsed by Cabinet, an additional report would be presented to Cabinet to approve a formal adoption of the Community Infrastructure Levy. The draft documents were attached as appendices to the officer's report.

The Portfolio Holder advised that the Community Infrastructure Levy for Rushcliffe would only be adopted if it supported the provision of infrastructure required to deliver the Local Plan and if it could be set at an economically viable rate. It was noted that under the Community Infrastructure Levy regulations, Parish and Town Council areas where the Community

Infrastructure Levy was charged would receive a proportion of Community Infrastructure Levy receipts to spend on infrastructure that they requested.

In seconding the recommendations Councillor Edyvean thanked the officers for producing the comprehensive report and hoped that once the six-week public consultation was completed, the Community Infrastructure Levy could be adopted.

The Executive Manager – Communities advised that the receipts received from CIL could only be spent on community infrastructure improvements. It was also noted that following a public consultation, the Community Infrastructure Levy could be adopted by March 2019.

It was **RESOLVED** that:

- a) the CIL draft charging schedule and supporting documentation, including the draft regulation 123 list for a six week public consultation, be approved.
- b) the Executive Manager – Communities be delegated authority to make minor modifications to the draft charging schedule prior to public consultation, and to consult on the draft charging schedule in line with the statutory regulations.
- c) the Executive Manager – Communities, in consultation with the Portfolio Holder for Housing, Planning and Waste Management, be delegated authority, to make the final decision as to whether to proceed with the submission of a draft charging schedule, representations made and evidence base, together with any proposed modifications, forward to public examination.

REASON FOR DECISIONS

To ensure that the impacts of development are mitigated as far as possible through improvements to infrastructure across the Borough.

14 Bingham Leisure Centre - Feasibility Options

The Portfolio Holder for Community and Leisure presented the report of the Executive Manager – Communities to provide information on the feasibility study and options appraisal of potential locations for a new leisure centre at Bingham, and the associated financial, operational and technical implications of the various options.

In June 2017 Cabinet had approved the Council's Leisure Facilities Strategy for 2017 – 2027 that detailed Bingham Leisure Centre as the facility in greatest need of major improvement (Minute No. 5 2017/18). Following the leisure strategy approval, a feasibility study had taken place in November 2017 on four potential locations for a new leisure centre in Bingham along with the associated financial, operation and technical implications associated with the construction of a new leisure centre at each potential site.

The Portfolio Holder advised that potential locations had been considered on the Toot Hill School site where Bingham Leisure Centre was currently located, however, the feasibility study had concluded that all of the identified locations on the school site presented significant and prohibitive challenges due to accessibility problems and their close proximity to nearby houses. It was therefore recommended that a new stand-alone facility be built off the school site. The Portfolio Holder requested Cabinet approval for further investigations be made on the feasibility of the construction of a new leisure centre within the available Council owned land adjacent to Chapel Lane, Bingham. The Portfolio Holder presented two 'facility mix' options that outlined the options for facilities that could be available at the leisure centre. Facility mix one included sports facilities as well as office space. Facility mix two included the majority of sports facilities and office space outlined in mix one minus the sports hall and replacement track/infield.

The Portfolio Holder also asked Cabinet to consider the financial implications of the feasibility study and of the construction of a new leisure centre in Bingham and asked for approval for the allocation of £40,000 from the investment and regeneration project to undertake a business case feasibility study, site investigations and design works for an integrated leisure and commercial development on the Chapel Lane site. The financial cost estimates of facility mix one was estimated at £20.5 million - £21.4 million and facility mix two was estimated to cost £16.1 million plus inflation at £1.4 million over two years. It was also estimated that facility mix one would return a surplus of £188,000 per annum and that facility mix two would return a surplus of £104,000, which included annualised maintenance replacement costs. It was noted that due to the Council's diminishing capital resources borrowing would be required. It was explained that based on a PWLB loan at 2.82% over 40 years for the full cost of the development; annual repayments would be approximately £944,000 for facility mix one and £709,000 for facility mix two. The development of a new leisure centre would therefore put financial pressure on the Council's budget going forward. The Portfolio Holder stated that it was expected that the wider commercial development at Chapel Lane could offset some of these costs and that costs could also be reduced by any external funding secured such as section 106 developer contributions or grants from Sport England. The Portfolio Holder advised that if approved by Cabinet the results of the feasibility study would be produced in 2019.

In seconding the recommendations Councillor Moore reiterated the financial implications of developing a new leisure centre as it would mean that the Council would no longer be debt free. However, it was noted that the £40,000 required from the investment and regeneration budget to undertake a business case feasibility study, site investigations and design works was good value for money in terms of the bigger picture in investing up to £20 million for the proposed new leisure centre.

Councillor Upton advised that the current Bingham Leisure Centre was built in the 1960s and was only intended to have a 60-year life span, therefore, it was critical for the Council to explore feasibility options for a new leisure centre as the current site was no longer fit for purpose. Councillor Upton highlighted the importance of the Council investing in the land at Chapel Lane and how much of a valuable asset it was for developing new facilities for residents. Councillor Robinson noted that some of the financial implications of developing a new

leisure centre would be mitigated by the commercial investments planned for the land at Chapel Lane. It was also noted that the position of Bingham Leisure Centre was strategically placed to target the new housing developments in Bingham and the villages both within and outside of the Borough.

The Chief Executive advised Cabinet that the Council would work tirelessly to minimise the financial impact of the development of a new leisure centre and that the public sector partnerships model would be explored which would maximise the number of feasibility options.

It was **RESOLVED** that:

- a) the findings of the Bingham Leisure Centre options appraisal and feasibility study and the associated significant financial implications, be noted.
- b) detailed investigations of the feasibility of constructing a new leisure centre at Chapel Lane, Bingham on land owned by the Council as part of a wider commercial development of the site, be commenced.
- c) £40,000 be allocated from the investment and regeneration project budget to undertake a business case feasibility study, site investigations, and design works for an integrated leisure and commercial development of the site.
- d) a further report be brought to Cabinet before the end of financial year 2018/19 covering the financial, business and community outcomes of an integrated leisure and commercial development at Chapel Lane.

REASON FOR DECISIONS

To further investigate and assess the feasibility of the various options for future leisure centre provision in Bingham.

15 Revised Contaminated Land Inspection Strategy

The Portfolio Holder for Community and Leisure presented the report of the Executive Manager – Communities on proposed revisions to the Council's Contaminated Land Strategy to reflect changes in Government policy since the strategy had last been reviewed in 2010.

The Portfolio Holder advised that Contaminated Land was land that posed a significant risk to people, underground waters, surface waters, ecological systems and property because of substances contained within it. It was noted that local authorities were required by law to inspect their areas to identify Contaminated Land, and that if Contaminated Land was found, the Council must take steps to control the risks caused by the contamination.

The revised strategy was attached as an appendix to the officer's report and proposed that in line with Government policy changes that responsibility to fund the inspection of contaminated land would fall on the on the landowner and their insurance companies through the planning regime. It was noted that the Council would still investigate reports of contaminated land and may take

immediate and direct action in extreme cases for example if the contamination was to arise on Council owned land.

In seconding the recommendation, Councillor Upton advised that it was important that the Council updated its contaminated land strategy in line with new government policy and funding. Councillor Robinson noted that it was important that the Council's contaminated land strategy was kept up to date to fulfil the Council's duty to inspect and identify areas of contaminated land in order to reduce the risk that contaminated land possessed to residents.

It was **RESOLVED** that the revised Contaminated Land Inspection Strategy be approved and implemented.

REASON FOR DECISION

Local authorities are required by law to inspect their areas to identify Contaminated Land. If Contaminated Land is found, the Council must take steps to control the risks caused by the contamination.

The meeting closed at 7.35 pm.

CHAIRMAN