

When telephoning, please ask for: Helen Tambini
Direct dial 0115 914 8320
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 27 November 2019



**Rushcliffe Community
Contact Centre**
Rectory Road
West Bridgford
Nottingham
NG2 6BU

To all Members of the Council

Dear Councillor

A Meeting of the Council will be held on Thursday, 5 December 2019 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

Opening Prayer

1. Apologies for absence
2. Declarations of Interest
3. Minutes of Meetings of the Council held on Thursday, 19 September and Tuesday, 8 October 2019 (Pages 1 - 18)

To receive as a correct record the minutes of the Meeting of the Council held on Thursday, 19 September 2019.

To receive as a correct record the minutes of the Meeting of the Council held on Tuesday, 8 October 2019.

4. Mayor's Announcements
5. Leader's Announcements
6. Chief Executive's Announcements
7. Citizens' Questions

To answer questions submitted by Citizens on the Council or its

In person
Monday to Friday
8.30am - 5pm
First Saturday of
each month
9am - 1pm

By telephone
Monday to Friday
8.30am - 5pm

Telephone:
0115 981 9911

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Rushcliffe Arena
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West Bridgford
Nottingham
NG2 7YG



services.

8. Public Spaces Protection Order Review (Pages 19 - 68)

The report of the Executive Manager – Neighbourhoods is attached.

9. Upper Broughton Neighbourhood Plan (Pages 69 - 74)

The report of the Executive Manager – Communities is attached.

10. Temporary Co-Option to Parish Councils (Pages 75 - 78)

The report of the Monitoring Officer is attached.

11. Notices of Motion

To receive Notices of Motion submitted under Standing Order No.12.

No motions were submitted to be discussed at this meeting.

12. Questions from Councillors

To answer questions submitted by Councillors under Standing Order No. 11(2)

Membership

Chairman: Councillor Mrs C Jeffreys

Vice-Chairman: Councillor S Mallender

Councillors: R Adair, S Bailey, B Bansal, K Beardsall, N Begum, A Brennan, B Buschman, R Butler, N Clarke, T Combellack, J Cottee, G Dickman, A Edyvean, M Gaunt, P Gowland, B Gray, L Healy, R Hetherington, L Howitt, R Inglis, R Jones, A Major, R Mallender, D Mason, G Moore, J Murray, A Phillips, F Purdue-Horan, S J Robinson, K Shaw, D Simms, J Stockwood, Mrs M Stockwood, C Thomas, R Upton, D Viridi, J Walker, R Walker, L Way, G Wheeler, J Wheeler and G Williams

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 at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

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.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



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MINUTES OF THE MEETING OF THE COUNCIL

THURSDAY, 19 SEPTEMBER 2019

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

PRESENT:

Councillors Mrs C Jeffreys (Chairman), S Mallender (Vice-Chairman), R Adair, B Bansal, K Beardsall, N Begum, B Buschman, R Butler, N Clarke, T Combellack, J Cottee, G Dickman, A Edyvean, M Gaunt, P Gowland, B Gray, L Healy, R Hetherington, L Howitt, R Inglis, A Brennan, A Major, R Mallender, G Moore, J Murray, F Purdue-Horan, S J Robinson, K Shaw, D Simms, J Stockwood, Mrs M Stockwood, C Thomas, R Upton, D Viridi, J Walker, R Walker, G Wheeler and G Williams

OFFICERS IN ATTENDANCE:

L Ashmore	Executive Manager - Transformation
D Banks	Executive Manager - Neighbourhoods
T Coop	Democratic Services Officer
P Linfield	Executive Manager - Finance and Corporate Services
K Marriott	Chief Executive
D Mitchell	Executive Manager - Communities
S Sull	Monitoring Officer
H Tambini	Democratic Services Manager

ALSO IN ATTENDANCE

7 members of the public

APOLOGIES:

Councillors S Bailey, R Jones, D Mason, A Phillips, L Way and J Wheeler

Minutes Silence

The Mayor referred to the sad news of the recent death of former Councillor and Mayor, George Davidson and asked for a minute's silence in remembrance of him.

Opening Prayer

The meeting was led in prayer by the Mayor's Chaplain, Reverend Michael Lees.

23 Declarations of Interest

There were no declarations of interest.

24 Minutes of the Meeting of the Council held on Thursday, 11 July 2019

The minutes of the meeting held on Thursday, 11 July 2019 were approved as a correct record and signed by the Mayor.

25 Mayor's Announcements

The Mayor reported that since the last Council meeting she had attended 22 events and enjoyed meeting many people.

The Mayor referred to the many people in the Borough who devoted their lives to others and who gave up their time in numerous different ways and how proud she was of the work they did.

26 Leader's Announcements

The Leader referred with sadness to the recent death of John Scott Lee the former Managing Director of Streetwise. His work had been fundamental to the success of Streetwise and he had left a lasting legacy. The Council's condolences would be passed onto his family.

The Leader reported on the successful injunction against unauthorised encampments at five key council-owned sites; Rushcliffe Arena, Gresham Park, The Hook, West Park in West Bridgford and at Rushcliffe Country Park in Ruddington. It was an important step forward to protect the rights of residents and to save resources as in the past five years £26K had been spent on enforcement and clean-up operations. Interim injunctions were in place and the Council would seek final orders at the same court next week.

The Leader reminded Councillors of the important forthcoming Celebrating Rushcliffe Awards on 20 November 2019 where community groups, businesses and sports people would be recognised and which reflected the tremendous diversity of the Borough. The event provided an opportunity to celebrate the tremendous work undertaken by volunteers and community groups and their hard work and dedication, with nominations requested by 7 October 2019.

27 Chief Executive's Announcements

The Chief Executive referred to the Local Plan Part 2 and advised that the Council was confident that it would receive the Inspector's final report shortly. An Extraordinary meeting of the Council would be arranged to consider the report. The report would be considered by the Local Development Framework Group before being submitted to an Extraordinary Council meeting.

The Chief Executive announced that the Council had been awarded a Government grant of just over £20K towards its planning enforcement work within the Green Belt area. Councillors would be updated in the weekly newsletter on how the money would be used.

The Chief Executive announced that the Council had achieved the Gold Employee Recognition Scheme Award for its work on the Armed Forces Community Covenant. It was the first council in Nottinghamshire to do so and

along with Charnwood Borough Council was one of only two in the East Midlands.

28 **Citizens' Questions**

There were no questions.

29 **Corporate Strategy 2019-2023**

The Leader and Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson presented the report of the Chief Executive outlining the draft Rushcliffe Borough Council Corporate Strategy for 2019-2023.

Councillor Robinson advised that the draft document had been reviewed by both the Cabinet and the Corporate Overview Group. The current Strategy was due to expire in March 2020; however, so many targets had already been achieved that it was considered prudent to revise the document.

Councillor Robinson confirmed that the Strategy had been constructed as a living strategy and encompassed a number of commitments under four corporate priorities; quality of life, efficient services, sustainable growth and the environment. The key actions and timescales for each group would be monitored and amended as required to ensure feasibility.

The report was moved by Councillor Robinson and seconded by Councillor Edyvean.

Councillor Begum stated that it was disappointing that there was no reference in the document to the recently retired Chief Executive or the newly elected Councillors.

Councillor Richard Mallender noted and welcomed the ambition of the Strategy and referred to the importance of sustaining public interest and involvement going forward. The establishment of Growth Boards and the review of community facilities was pleasing. The Council's commitment to achieve a carbon neutral status would highlight how the Borough could lead the way.

Councillor Thomas advised that the Independent Group would be unable to support the Strategy for the following reasons. The document had insufficient measures to combat climate change, the lack of a five-year housing supply and its associated impact had not been addressed, as had the housing needs of the elderly and specific issues related to the New Homes Bonus for East Leake and other areas. Section 106 Contributions were not used quickly enough, whilst Borough assets were being sold. Transport improvements were sporadic, leading to serious road safety concerns for some residents.

Councillor Robinson advised that the Strategy was an ambitious document and related to the Council as a whole, rather than looking at specific ward issues. Specific issues raised would always be considered by the scrutiny committees.

It was RESOLVED that the Corporate Strategy 2019-23 be adopted.

30 Community Infrastructure Levy

The Portfolio Holder for Housing, Councillor Upton presented the report of the Executive Manager – Communities outlining the process of introducing a Community Infrastructure Levy (CIL) across the Borough, following the two formal stages of consultation that had already taken place.

Councillor Upton advised that the CIL was a discretionary charge to support the provision of new infrastructure and could be levied in conjunction with Section 106 contributions. Two formal stages of consultation had taken place; firstly one on the proposed charging rates; and secondly an examination in public in March 2019. The Examiner had concluded that the charging rates were both realistic and fair and would not undermine development viability. The CIL would be chargeable on all new developments of 100sq.m or over and to all dwellings where a statutory exemption did not apply. The levy would not apply retrospectively on sites that already had outline or full planning permission. Five charging zones were proposed and one Borough-wide zone. A Payment in Kind Policy would also be available. In parished areas, each year a parish would receive 15% of the CIL income raised in that parish and that would rise to 25% if the parish was covered by a neighbourhood plan.

The report was moved by Councillor Upton and seconded by Councillor Butler.

Councillor Gaunt confirmed that whilst the Labour Group was broadly in favour of the proposal, there was a concern that extensions of just under 100sq.m would be permitted, only to be followed by a further application to increase the size again, thereby avoiding the imposition of the CIL levy.

Councillor Major confirmed that the Liberal Democrat Group welcomed the proposal as it would provide clarity for developers and capture smaller developments.

Councillor Richard Mallender welcomed the report and the contributions that would be made specifically to parishes.

Councillor Thomas welcomed the report and referred to the importance of being proactive when spending funds locally. In non-parished areas where the Council retained control of income, it was important that the local communities were fully consulted on potential spending.

Councillor Clarke highlighted the importance of adopting the CIL given the levels of growth and development taking place both locally and nationally which was creating challenges for all communities.

Councillor Butler advised that individual developments did not provide a challenge, that came from the larger developments and given the scale, any potential loophole would not be a cause for concern.

Councillor Upton confirmed that additional guidance for parish councils in relation to CIL receipts would be provided and the CIL regulations would be reviewed in 12 months.

It was RESOLVED that Council

- a) adopts the Community Infrastructure Levy Draft Charging Schedule, as set out in Annex 3 and Annex 4 of the Examiner's report, with it being brought into force on Monday, 7 October 2019; and
- b) adopts the Community Infrastructure Levy Instalment Policy and Community Infrastructure Levy Payment in Kind Policy.

31 **Gotham Neighbourhood Plan**

The Portfolio Holder for Housing, Councillor Upton presented the report of the Executive Manager – Communities outlining the Gotham Neighbourhood Plan and seeking approval of the Plan to form part of the Council's Development Plan, subject to a positive referendum result.

Councillor Upton confirmed that three Neighbourhood Plans had already been approved, and this would be the fourth. The Plan had been produced by Gotham Parish Council in conjunction with the local community and conformed to the Borough Council's strategic policies. The Plan had been assessed by the Council and an independent Examiner and through a consultation process with both stakeholders and the public. The Examiner had reported to the Council that, subject to the modifications proposed in his report, the Plan should proceed to referendum. The Council had produced a Decision Statement that included all the proposed modifications suggested by the Examiner and the Council had agreed that those should be made to meet the basic conditions. During the examination, there had been extensive debate regarding the identification of areas of land as local, green spaces and the Examiner had concluded that one of those should be removed and the other retained. Whilst the Council had raised its concerns regarding the designation of both of those areas of local, green space, and could under the Town and Country Planning Act have removed the second area of local, green space, the Examiner considered that the retained local, green space was compliant with national planning policy and guidance. Consequently, its removal by the Council would be hard to justify and its removal would also have necessitated further consultation, and given the implications of its removal, the modification would require further independent examination. Following consideration of those issues, it was recommended that the Plan should proceed to a referendum, no later than Monday, 9 December 2019 as required under the Neighbourhood Planning Referendum Regulations.

The report was moved by Councillor Upton and seconded by Councillor Rex Walker.

Councillor Gray welcomed the report and acknowledged the hard work of all those involved in producing the Plan.

Councillor Howitt welcomed the report and acknowledged the importance of Neighbourhood Plans to local communities.

Councillor Thomas confirmed that although the Independent Group had previously raised some issues regarding the Plan that had been taken through representations the Independent Group was now in support of its adoption.

Councillor Rex Walker, in inviting all Councillors to support the Plan referred to the hard work and dedication of all those involved in producing the Plan. Members of the Gotham Neighbourhood Plan Advisory Committee and Councillor John Anderson were thanked in particular for their involvement.

It was RESOLVED that

- a) Council approves the Decision Statement on the Gotham Neighbourhood Plan for publication.
- b) Council approves the holding of a referendum for the Gotham Neighbourhood Plan, with the area of the referendum being the Parish of Gotham.
- c) Subject to a majority vote from the referendum, the Council 'makes' (adopts) the Neighbourhood Plan and authority be delegated to the Executive Manager – Communities to issue a statement setting out this decision as soon as possible following the referendum.

32 **Polling Places Review**

The Leader and Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson presented the report of the Chief Executive outlining proposals for revised polling places following that review.

Councillor Robinson confirmed that the Council was required by law to undertake periodic reviews of polling districts and polling places. A public consultation period had been held in June - August 2019, with 14 responses received. Details of those responses were referred to in the report, with seven requesting variation changes which had been assessed by the (Acting) Returning Officer and the revised schedule was set out in the report.

The report was moved by Councillor Robinson and seconded by Councillor Moore.

Councillor Gowland welcomed the report and that all schools would remain open during elections.

Councillor Richard Mallender welcomed the report. He stated that currently Lady Bay had three polling places which he hoped would be reduced at a future review.

It was RESOLVED that:

- a) Council approves the:
 - (i) proposals setting out changes to polling districts, polling places and polling stations; and
 - (ii) revised schedule of polling districts and polling places as set out in Appendix 2 of the report;
- b) Council requests the Chief Executive to formally publish the notice of the

conclusion of the review and its findings.

- c) The (Acting) Returning Officer be given authority to select an appropriate alternative polling place (if required). Formal retrospective approval be sought by Council following the election if appropriate.

33 Notices of Motion

Following cross party discussions, the following altered motion was moved by Councillor J Walker and seconded by Councillor Gaunt:

“This Council agrees to:

- (1) Conduct an immediate audit of all its investments to ascertain the current level of fossil fuel equity investments.
- (2) Conduct an immediate audit of the carbon footprint of its operational assets through its Carbon Reduction Work Programme.
- (3) Incorporate in its Environmental Plans the reduction of the use, and future investment in, fossil fuels wherever possible.”

It was RESOLVED that Council accept the altered motion.

The altered motion became the motion and was discussed.

Councillor J Walker in moving the motion stated that it was simple economics to vote for the motion given that fossil fuel investment continued to decline as the market realised that to remain within the guidelines of the Paris Accord, fossil fuels would have to remain in the ground, thus changing their status to stranded assets. As a newly elected Councillor with a family, she felt the decision could not be simpler, by voting for the motion, it would mean something positive had been achieved and young people in particular would see that the Council was trying to make a difference. Young people were not interested in the Council’s excuses; they wanted to hear that Councillors had done everything possible. She asked Councillors to cast their minds ahead and consider the bleak future for the planet if nothing was done. The decisions taken by the Council could offer another vision for others to follow. International efforts to reduce carbon emissions to reduce catastrophic climate change would result in the majority of known fossil fuel reserves being left unused. The market value of fossil fuel companies was based largely on the notion that all known reserves could be exploited; however, as international policies changed it was becoming increasingly apparent that those reserves would soon be rendered useless and that would result in share prices falling and significant losses for fossil fuel industries. The decisions made by the Council now could have lasting implications and Councillors were urged to vote for this Motion.

In seconding the motion, Councillor Gaunt reiterated the concerns already addressed regarding future investment in fossil fuels, as markets became increasingly risky and companies were left with assets that could no longer be utilised. Traditionally more investment had been provided for fossil fuels rather than renewables. The Institute for Sustainable Development had outlined that a shift of 10% from fossil fuels to renewables would pay for the transition to clean

energy. Annual investment in renewables for electricity generation had been greater than for fossil fuels since 2008 and renewable capacity had exceeded fossil fuel capacity each year since 2014. Politically, subsidies on fossil fuels would become increasingly less palatable due to worsening climate change. If Rushcliffe took the lead and encouraged other local councils to do the same, it would send a message to central Government. New research undertaken by the University of Nottingham, in conjunction with the British Geological Society had identified that shale gas reserves in northern England could be as little as 10% of the original estimates. Any investment in shale gas and fracking could therefore be jeopardised. Financial analysis had shown that investment portfolios that excluded fossil fuel companies performed at least as well as those that included them. There was considerable scope to invest locally in sustainable projects that would bring considerable, social, economic and environment benefits to the area and Councillors were urged to support the motion.

Councillor Robinson referred to the importance of this issue for all parties. It was disappointing to note that a recent application to allow deep coal mining in northern England had been approved by a Labour run council and endorsed by Labour central office. In Rushcliffe the Council's environmental ambition was outstanding, with current initiatives including the free tree scheme proving extremely effective. The Council would continue to lobby both the Government and developers to improve environmental standards on all new housing and it was hoped that the Abbey Road development would be an exemplar scheme. Motions had to be realistic, pragmatic and deliverable and the motion now achieved that.

Councillor Richard Mallender referred to the movement away from fossil fuel technology and investment, even in the Middle East. The move to renewable technology was vital as environmental concerns continued to grow.

Councillor Major welcomed the motion and hoped that it would be a catalyst for the future.

Councillor Thomas supported the motion. She requested that the carbon reduction work programme should include a change to the standard format of committee reports to include an additional section to assess the impact of the matter under consideration on climate change.

Councillor Combellack stated that the Council continued to be proactive and this matter was on the agenda for scrutiny.

Councillor J Walker noted her disappointment in the recent decision to allow a new deep coalmine and stated that everyone had to take responsibility for previous actions.

There was no further debate on the motion. On being put to the vote, the motion was carried.

34 Questions from Councillors

a) Question from Councillor Gowland to Councillor Upton

“Is the Council aware of the changes in the timetable and fare for the L22 and L23 buses that link Abbey Ward, Lady Bay and Ruddington with West Bridgford town centre, in particular of the loss of the Saturday service, since the start of this month?”

In response to the question, Councillor Upton stated that the Council was aware of the changes to the bus service; however, the County Council was the lead authority regarding this matter and provided subsidies to many bus services. The Council consulted with the County Council, as the Transport Authority on planning applications and often a subsidy for a bus service is a planning requirement; especially for large developments. However, such subsidies were often time limited, for example for the health centre on Wilford Lane, which had now expired. The Council had and was prepared to continue to discuss this issue with the County Council; however, it was not minded to subsidise bus routes, as that was the responsibility of the County Council. The Rushcliffe CVS did provide a voluntary scheme for people who had difficulty accessing transport.

Supplementary Question

Councillor Gowland stated that although she acknowledged that this was an issue for the County Council, elderly residents living in local complexes who did not drive now had no access to local shops over the weekend. It was hoped that contributions from the Abbey Road housing development could potentially be put back into this area.

Councillor Upton reiterated the comments he had already made and advised that the situation was not unique to any area.

b) Question from Councillor Richard Mallender to Councillor Edyvean

“Given this Council’s view that there is a climate change emergency, will the responsible Cabinet member explore investing in land and a solar panel farm as other local authorities such as West Sussex County Council have done?”

In response to the question, Councillor Edyvean confirmed that the Council was already investigating a range of measures to reduce its carbon footprint. Any asset investment would be subject to a business case and have to take into account the Council’s wider Medium Term Financial Strategy.

Supplementary Question

Councillor Mallender asked if the Council would discuss with developers the possibility of installing photovoltaic panels on all new properties in the Borough.

Councillor Edyvean advised that the Council had considerable aspirations going forward; however, currently it could not insist that panels be installed.

The meeting closed at 8.25 pm.

CHAIRMAN

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Public Document Pack



MINUTES OF THE MEETING OF THE COUNCIL

TUESDAY, 8 OCTOBER 2019

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

PRESENT:

Councillors Mrs C Jeffreys (Chairman), S Mallender (Vice-Chairman), R Adair, S Bailey, B Bansal, N Begum, A Brennan, R Butler, N Clarke, T Combellack, J Cottee, G Dickman, A Edyvean, M Gaunt, P Gowland, B Gray, L Healy, R Hetherington, L Howitt, R Inglis, R Jones, A Major, R Mallender, D Mason, G Moore, A Phillips, F Purdue-Horan, S J Robinson, K Shaw, D Simms, J Stockwood, Mrs M Stockwood, C Thomas, R Upton, D Viridi, J Walker, R Walker, L Way, G Wheeler and G Williams

OFFICERS IN ATTENDANCE:

D Banks	Executive Manager - Neighbourhoods
P Linfield	Executive Manager - Finance and Corporate Services
R Mapletoft	Planning Policy Manager
K Marriott	Chief Executive
D Mitchell	Executive Manager - Communities
S Sull	Monitoring Officer
H Tambini	Democratic Services Manager

APOLOGIES:

Councillors K Beardsall, B Buschman, J Murray and J Wheeler

35 Declarations of Interest

There were no declarations of interest.

36 Local Plan Part 2

The Portfolio Holder for Housing, Councillor Upton presented the report of the Executive Manager – Communities outlining the Rushcliffe Local Plan Part 2: Land and Planning Policies, which incorporated the Inspector's recommended modifications.

Councillor Upton advised that the adoption of the Plan was extremely important given the increasing demand for housing, as development had failed to keep pace with a growing population and previous years of under supply of housing, with the problem being acknowledged by all main political parties. Rushcliffe was a popular place to live with demand for housing outstripping supply and the Council had to respond to Government pressure to deliver more housing. Last year 760 new homes were delivered in the Borough, more than any other district or borough in Nottinghamshire. The Council's vision was to ensure that all Rushcliffe's residents had a choice of affordable, good quality, energy

efficient housing in sustainable locations. Rushcliffe continued to work with neighbouring councils and was disappointed when the Government allocated the Borough a minimum of 13,150 homes to be built by 2028, rather than the Council's preferred target of 9,000. The figure was not negotiable and the Council needed an adopted Local Development Plan to ensure that the Borough had quality housing and jobs in the correct locations. The Council's homes allocation had been adopted into the Core Strategy. Development of some of the large strategic sites had been slower than anticipated and it was unlikely that as a whole they would deliver the required number of houses by 2028. The Local Plan Part 2 was proposing an additional 25 small to medium housing sites that should be quicker to deliver, to make up the shortfall with the strategic sites. Allocating sites required careful consideration, particularly when Greenfield and Greenbelt sites were involved, with over 40% of Rushcliffe made up of Greenbelt and only a small number of Brownfield sites. With the Council's Core Strategy, the Inspector had stated that there was convincing evidence that the housing allocation could not be delivered without the removal of land from the Greenbelt and had found that there were exceptional circumstances to alter Greenbelt boundaries. That had established the context of the release of Greenbelt for development in Part 2. Not everyone agreed with the allocation, as was the case with any planning development; however, if the Council failed to deliver its housing allocation, the Government had advised that it could intervene to allocate the sites. The Council therefore needed to be pragmatic and decide where the housing should be built. The Inspector had concluded that the Local Plan Part 2 was legally compliant, sound and could be adopted providing that the main modifications were incorporated in full. The Council could not legally make any further modifications nor seek to delete any of the Inspector's recommended main modifications and then adopt the Plan. The Inspector's report had been considered by the Local Development Framework (LDF) Group and it had recommended the Plan's adoption. If the Plan was not adopted it would leave the Council without a complete and up to date set of Local Planning Policies but more importantly, with the National Planning Policy Framework having a presumption in favour of sustainable development, a failure to adopt would considerably restrict the Council's ability to resist unwanted, speculative development, a situation that the Council was already familiar with. A five-year housing supply of deliverable housing was required and currently it stood at 3.4 years, which had led to unwanted development. The Inspector's report had confirmed that the Council had engaged with stakeholders, met the duty to cooperate, and undertaken a sustainability appraisal, and subject to the main recommended modifications, all the individual policies were clear, justified and consistent with national policy and would be effective, with the release of the Greenbelt justified in principle and where necessary exceptional circumstances had been demonstrated. The Council had a statutory duty to produce a local plan and in Rushcliffe that would comprise of the Local Plan Part 1, the Core Strategy which had been adopted in December 2014 and the Local Plan Part 2: Land and Planning Policies. Planning Officers were thanked for their hard work and dedication over many years in preparing the Plan.

The report was moved by Councillor Upton and seconded by Councillor Butler.

Councillor Grey stated that as new Councillors, members of the Labour Group had enjoyed the challenge of reading this lengthy report and thanked fellow Councillors and officers for their help and support. The Labour Group

understood the importance of the document and the need to secure a five-year housing supply to avoid speculative development. It was noted that there was an element of redundancy built into the Plan in case of slippage to ensure that planning decisions stood up against appeal. Slippage on previous plans had led to speculative development in some villages, causing service and infrastructure problems. Everyone wanted good housing and ideally without building on Greenbelt land and it was interesting to see best practice throughout the country, with Norwich City Council making headlines for its award winning housing. It was noted that the recommendations made by the Inspector needed to be taken in full and the document could not be amended before adoption, therefore further comments would be for future consideration. The Labour Group looked forward to taking a greater role in the review of the Core Strategy.

Councillor Jones advised that in 2014, the Liberal Democrat Group had opposed the adoption of Part 1 for two reasons. On Sharphill the Group had objected to both the increased number of dwellings and lack of affordable housing and community facilities. Secondly, the Group had objected to the scale of increase imposed by planning processes and the Planning Inspectorate on Rushcliffe. In 2011, Rushcliffe had 47,349 dwellings, by 2028 Rushcliffe would be expected to have a further 13,150 dwellings which equated to a 28% increase. In practical terms it was evident that the strategic sites would not be built as quickly as originally planned and that had led to speculative development in villages, particularly East Leake. Reluctantly the Liberal Democrat Group accepted the requirement for the 13,150 dwellings and would therefore be supporting the adoption of the Local Plan Part 2, especially given that the failure to adopt the Plan would expose the Borough to further unwanted, speculative building. It was pleasing that no further development was planned for either Bingham or East Leake, other than those already approved. Inevitably, the allocations at the key settlements and other villages would be unwelcome to some, particularly in Ruddington where extensive developments had already been approved. The Group was pleased to see that renewable technologies would be encouraged and welcomed the inclusion of Policy 25 on retail centres and Policy 26 on neighbourhood significance. The Group questioned the strength of the policies related to flood protection given ongoing climate change. The Core Strategy report referred to excellent transport systems and an associated reduction in travel; however, the Group was concerned that the planned transport improvements would not mitigate the 28% increase in housing planned for the Borough and the issue should be considered as part of the review of the Core Strategy. Although infrastructure improvements were planned as part of new housing developments, the Group was concerned that overall planning for secondary education and primary health care provision was inadequate and asked the Cabinet and officers to seek clarification from relevant authorities on how infrastructure improvements would be secured to match the proposed 28% increase in dwellings.

Councillor Richard Mallender referred to the significant time and work undertaken by officers to produce the Plan, which would continue to be reviewed and updated. Additional powers from Government were required to combat climate change and to ensure that environmentally sustainable housing was being built for the future. The Council had to act now as people around the world were protesting and taking action. Biodiversity was an important issue and sites required protection. Significant transport improvements were still

required; bus services remained poor in many outlying villages and traffic congestion was a problem for all. Improvement to both bus and tram services was essential, together with tram/train systems to interlink areas and use the existing train network. New local services and infrastructure should be built centrally to ensure easy access for all. Improving the use of sustainable energy was essential and should continue to be pursued. The Green Group supported the Plan.

Councillor Thomas confirmed that the Independent Group would be voting to adopt the Local Plan Part 2 and thanked officers for their hard work in preparing the Plan. Without the Plan, villages, including East Leake and other areas outside the Greenbelt had seen significant speculative development take place. Development on Greenbelt sites had also been granted on appeal. Adoption of the Plan would allow development to become more plan led rather than developer led. The Group had concerns regarding a number of policies, including climate change issues that would require consideration during the review of the Core Strategy and it was important that Councillors were involved in the early stages of the review. It was essential that the strategic sites moved forward to maintain the five-year housing supply, with a continued focus on the Clifton site, where some progress was being made. The biggest threat to the maintenance of the five-year housing supply came from the delay to the Gamston/Tollerton development and it was hoped that all agencies could work together to allow the development to progress. The Group considered that further sites adjacent to the urban edge should be considered for future housing allocation. Some of those sites had come forward as part of the Local Plan Part 2 process and should be reviewed again. Building on the sites removed from the Greenbelt in the Core Strategy should also be considered for future development. Given that there was no opportunity to further modify the Plan it should be adopted; however, it would be necessary to ensure that planning policies and housing land supply were kept under review.

Councillor Robinson requested a recorded vote for the motion.

Councillor Robinson thanked officers and reiterated the comments made by fellow Councillors regarding the officers' hard work and dedication. He recognised and thanked members of the LDF Group who had significantly contributed to the Plan over many years. Planning issues were important in all wards and it was pleasing to note the support of the Opposition Groups for the adoption of the Local Plan Part 2. Since 2014, work had been underway to ensure the delivery of sites, including the larger strategic sites, although it was acknowledged that with many agencies and authorities working together the situation was complex. However, work was now progressing on those larger sites and by adopting the Local Plan Part 2 the allocated smaller sites would be much easier and quicker to deliver. Significant development had already taken place at Sharphill, Edwalton, Bingham and Cotgrave and it was hoped over the next 12 months to see further significant progress. The concerns expressed over health and educational provision were shared as this issue was of key importance and Councillors were assured that strong dialogue continued with all relevant agencies. Timing was key to ensure the appropriate delivery of infrastructure as seen at Sharphill and Radcliffe on Trent. Environmental issues were also of key importance and for many years the Council, though its scrutiny groups had been a leader in the County in promoting environmental policies. It was a challenging issue and the Council had petitioned the

Government and asked it to implement improved standards for housing. The Council was not waiting for the Government to take the lead, it was leading the way and it was anticipated that the Abbey Road development would be an exemplar scheme in terms of housing standards. Opposition Group members had a significant role in scrutiny, and would influence many policies going forward and would review the Plan to ensure that it was achieving its targets.

Councillor Butler reiterated that development was inevitable and it was better for the Council to be in control. As with any planning issue, some people would be disappointed; however, through cross-party working, including the LDF Group, officers and Councillors had worked hard to produce the Plan. Future Government policies would continue to demand further housing development in Rushcliffe as it was a popular place to live and without the Plan further speculative development could take place. The recent development in Cotgrave had won several awards for house design, energy efficiency and green and leisure opportunities it offered to residents and it was hoped that this would continue to be replicated throughout the Borough.

Councillor Rex Walker advised that it was the Council's duty to control development and the Plan played an important role in achieving that and he would be supporting its adoption. A failure to evidence an adequate supply of housing in the Borough, which would be an inevitable consequence of not adopting the Plan, would be a failure to residents. In respect of the Gotham Ward, in redrawing the Greenbelt boundaries around Gotham, an area of land to the south of Pygall Avenue had been removed from the Greenbelt without being allocated for housing. In his report, the Inspector had concluded that the removal could give rise to further housing development and given the knowledge that the site had previously been promoted for housing development, it should have either remained as Greenbelt or been promoted for housing development. Subject to a positive Referendum result, the Gotham Neighbourhood Plan sought to designate the land as local Green Space to protect the landscape quality and community value of the land.

Councillor Gaunt expressed concern that Councillors had been given limited opportunity to consider the report and questioned the accuracy of parts of the report. In particular, he referred to the modifications recommended by the Inspector for Ruddington in respect of the number of new houses that the village could sustain and was alarmed that the figure had been increased from 350 to 525 dwellings. The figure for East Leake had also been increased from 1,000 to 1,200, although the target had originally been 400. The accuracy of the report in respect of the boundaries of the future Wilford Road development was also questioned. The report referred to the A60 being a boundary to the east of the proposed development; however, that was not the case and it was a concern that the Inspector might not be aware of that. The Wilford Road development would be located in the floodplain, with a substantial area being in Zone 2 (1-100 year) and a smaller area in Zone 3 (1-20 years). Whilst it was acknowledged that substantial mitigation measures were planned to combat flooding, climate change would inevitably lead to increased flooding and building on those areas was unacceptable. If the Wilford Road development was removed from the Plan, it would reduce the number of dwellings planned for Ruddington to 400, which had been the initial number considered to be sustainable. As a representative of the local community, he could not support the Plan and suggested that additional time be given to consider the

Inspector's report further before making a final decision.

Councillor Cottee advised that he was speaking on behalf of his fellow Ward Councillors. He referred to the significant work undertaken to produce the Keyworth Neighbourhood Plan, which had commenced in 2011 and approved in a Referendum in 2015, with over 80% voting in favour of the Plan. Some residents of Keyworth had been sceptical when the Local Plan Part 2 was drafted, when some sites were put forward for development that had not been included in the Neighbourhood Plan. The Inspector had received numerous local objections to the inclusion of one site; however, the site remained in the Local Plan Part 2. There were now four sites in Keyworth rather than three and they were all in the Greenbelt. Due the substantial areas of Greenbelt land, Keyworth had previously remained undeveloped and the community now welcomed the proposed development, as it would benefit the local community by improving local business and securing school numbers. The speculative development that had occurred elsewhere in the Borough and the impact on local residents was acknowledged and it was appropriate that those local communities were now protected. The Plan was for the entire Borough and would be supported. Officers were thanked for their help and assistance in producing the Neighbourhood Plan and the Local Plan Part 2.

Councillor Clarke stated that there had been significant debate over the years and the Council needed to adopt the Plan; otherwise, it would be vulnerable and could led to additional speculative development in villages that had already seen significant development. The aspiration for the Abbey Road development to be a showcase site and an exemplar scheme to others had already been referred to. It was also correct that work would continue once the Plan had been adopted. In respect of health and educational provision, meetings were taking place at the County Council to consider school provision in the light of additional development in Rushcliffe. There was no easy solution; however, the issue was being addressed. The Local Plan document would form a platform for campaigning to both Government and developers of the importance of providing infrastructure provision first. The Plan would provide evidence of the challenges and pressures the Council faced and the importance of infrastructure provision.

Councillor Brennan in supporting the Plan congratulated officers and Councillors on bringing the Plan to fruition. Given the length of time, it had taken to produce the report, the possibility of streamlining planning processes should be considered. It was hoped that the Plan would protect the Borough from speculative development and the emphasis on attaining vibrant community centres with a balance of facilities and uses for the local community was welcomed. In respect of Radcliffe on Trent, it was noted that the Inspector had stated that there was no substantive evidence that the overall level of new homes could not be adequately accommodated by the current road infrastructure. As a resident of Radcliffe on Trent that comment was surprising and Ward Councillors would continue to monitor the situation. The importance of infrastructure provision at the commencement of a development had been highlighted by Councillor Clarke and should be reiterated.

Councillor Simms echoed the comments made regarding traffic congestion as an East Bridgford Ward Councillor. Local residents were concerned about traffic associated with the Newton development, and the development at

Radcliffe on Trent would further exacerbate the problem. Relevant authorities should act now to alleviate the problem.

Councillor Jones returned to the issue of the projected 28% increase in housing and the pressure on infrastructure and stated that there was a shortage of secondary school places in the West Bridgford area. Increasingly children were travelling greater distances to school, which was adding further pressure to the transport networks. There was increased pressure on health provision and immediate action was required.

Councillor Upton confirmed that Appendix 2 of the report, the Rushcliffe Local Plan Part 2, provided the final figures on housing numbers, which were not at the minimum number, as originally quoted. Following the Inspector's examination and consultation with stakeholders, the Inspector had concluded that the key settlements had sufficient infrastructure, services and facilities to support the proposed allocations. Consideration of the housing capacity for each site, traffic issues and infrastructure contributions would be covered when an application came before the Planning Committee. In respect of transport provision, the report referred to a Memorandum of Understanding between the Borough Council, County Council and Highways England for the provision of an infrastructure package for improvements to the A52 to support housing growth, with the support of developer contributions. The Council would continue to lobby the Government regarding climate change and housing standards and Rushcliffe was not content with using the minimum standards of building regulations. A working group was reviewing standards, with a view to submitting a report to Council in the New Year. The Abbey Road development would set a high standard and be an exemplar scheme to others.

In accordance with Standing Orders – Council 16.4, a recorded vote was taken for the motion as follows:

FOR: Councillors R Adair, S Bailey, B Bansal, N Begum, A Brennan, R Butler, N Clarke, T Combellack, J Cottee, G Dickman, A Edyvean, P Gowland, B Gray, L Healy, R Hetherington, L Howitt, R Inglis, R Jones, A Major, R Mallender, D Mason, G Moore, A Phillips, F Purdue-Horan, S Robinson, K Shaw, D Simms, J Stockwood, Mrs M Stockwood, C Thomas, R Upton, D Viridi, R Walker, L Way, D Wheeler and G Williams.

AGAINST: Councillors M Gaunt and J Walker.

ABSTENTION: Councillor Mrs C Jeffreys and S Mallender.

The motion was carried.

It was RESOLVED that:

- a) the Rushcliffe Local Plan Part 2: Land and Planning Policies incorporating the main modifications recommended by the Inspector to make the Plan sound and legally compliant be adopted;
- b) 'saved' policies ENV15, H1, E1, E7 and E8 of the 1996 Rushcliffe Local Plan be deleted;

- c) the Local Plan Policies Map incorporating the amendments as a consequence of adopting the Local Plan Part 2 and the deletion of the 'saved' policies ENV15, H1, E1, E7 and E8 of the 1996 Rushcliffe Local Plan be approved; and
- d) the Executive Manager – Communities, in consultation with the Cabinet Portfolio Holder for Housing, be granted delegated authority to make any necessary final minor textual, graphical and presentational changes required to the Local Plan Part 2 and adopted Local Plan Policies Map.

The meeting closed at 8.15 pm.

CHAIRMAN



Council

Thursday, 5 December 2019

Public Spaces Protection Order Review

Report of the Executive Manager for Neighbourhoods

Cabinet Portfolio Holder for Environment and Safety Councillor Rob Inglis

1. Purpose of report

- 1.1. The purpose of this report is to consider whether to extend the current Public Space Protection Order for a further three years.

2. Recommendation

It is RECOMMENDED that that the Public Space Protection Order to control street drinking and outdoor sleeping in the areas set out in Appendix 1 and 2 be approved.

3. Reasons for Recommendation

- 3.1. The Council approved a Public Space Protection Order (PSPO) on 2 February 2017 which controls the activities of street drinking and outdoor sleeping in key areas of West Bridgford, Edwalton and Gamston. It is a requirement of the enabling legislation namely the Anti-Social Behaviour Crime and Policing Act 2014 that the Order be reviewed after the expiry of three years.

4. Supporting Information

- 4.1. The Anti-Social Behaviour, Crime and Policing Act 2014 provides powers for local authorities to introduce measures to address anti-social behaviour in public places. PSPOs' are flexible enforcement tools which apply to a broad range of issues and are designed to control individuals or groups from committing anti-social behaviour in a public space. To utilise the powers the Council must be satisfied on reasonable grounds that activities carried out in a public space will have or are likely to have:

- A detrimental effect on the quality of life of those in the locality
- Are persistent or continuing in nature
- Are unreasonable
- And justify the restrictions imposed

- 4.2. The need for a PSPO was established with the support of key partners such as the Police and Nottinghamshire County Council to help tackle anti-social behaviour associated with street drinking and outdoor sleeping, namely:

- Vomiting, urinating and defecating in public areas;
 - Littering;
 - Violence, aggressive or intimidating behaviour;
 - Criminal damage.
- 4.3 Failure to abide by the order may result in the issue of a fixed penalty of £100 with an early repayment reduction to £60, which if not paid may result in prosecution (maximum fine £1000 for most offences). It should be noted that revised statutory guidance was issued in December 2017 which specifically states that:
- “Public Spaces Protection Orders should not be used to target people based solely on the fact that someone is homeless or rough sleeping...These orders should be used only to address any specific behaviour that is causing a detrimental effect on the community’s quality of life within the control of the person concerned”.*
- 4.4 Reassuringly this revised guidance supported the Council’s original position and decision to create the PSPO based on evidence and feedback of problems linked to specific geographical locations.
- 4.5 Since the Order took effect on 1 March 2017 neither the Police nor the Council has found it necessary to use the enforcement powers available with the PSPO. The signage of the areas has acted as a strong deterrent and alternative powers continue to be used namely CPWs (Community Protection Warnings), CPNs (Community Protection Notices) and CBOs (Criminal Behaviour Orders) as well as dispersal powers.
- 4.6 In summary a total of sixteen notices/ CPWs/ CPNs have been issued since July 2017 in respect to street drinking with an outdoor sleeping connection or for outdoor sleeping. Currently no fixed penalty notices have been issued. There have been two breach reports issued and several informal warning notices by council staff. Within the period of the PSPO the police have used the CBO power against four individuals.
- 4.7 By working with our partners through the Rough Sleepers group, street outreach teams and the Police it is apparent that despite the PSPO the numbers of people sleeping outdoors has continued to slightly increase. This may be attributable to national trends and also the fact that there may be a displacement of individuals from the City as a result of their interventions. The Council has always recognised that persons sleeping outdoors need support rather than an enforcement approach and the Council works closely with partners including Framework to ensure this takes place, this is in line with and supports the provisions of the Homelessness Reduction Act 2017.
- 4.8 The PSPO continues to be supported by key partners, the Police are supportive of maintaining the PSPO as a useful tool in particular circumstances. It has also helped to focus attention and resources to particular areas with known problems in West Bridgford, Edwalton and

Gamston and act as an effective deterrent reducing the impact of criminal damage in woodland areas from people sleeping outdoors. The creation of the PSPO was also a guiding factor for the formation of the multiagency rough sleepers group to identify and discuss known individuals to attempt to address the root cause of their behaviour which may be mental health, alcohol or drug related and to channel them into the most appropriate support networks.

4.9 In addition to working and consulting with community safety partners, ward members and other local stakeholders on the development of the proposal, the Council has also carried out a full public consultation. This was launched on 20th August 2019 and closed on 20th September 2019.

4.10 The overall feedback emerging from the consultation was broadly positive in support of the renewal of the PSPO. Out of the twenty five public responses to the consultation, seventeen were in support, one was neutral and seven raised concerns with the main theme being the actual use of the PSPO as a tool to tackle these issues. In addition, the following responses of support from key stakeholders and community safety partners were received:

- Good support from relevant ward members of the Council who recognise some of the problems and the need for this additional control measure;
- Support from Nottinghamshire County Council: *“The County Council would support the renewal of the PSPO. When used sensibly and proportionately, the PSPO provisions offer useful additional tools to partners to deal with issues occurring within the restricted zone. The tools are swift and easy to use, and in the right circumstances, can deal with problems impacting on the public in a more effective and efficient manner than other options”*;
- Support from Nottinghamshire Police and the Police and Crime Commissioner

“From a Notts Police perspective we are supportive of the Public Space Protection Order (PSPO) renewal as we see it as a valuable tool to deal with prescribed types of anti-social behaviour that know disproportionately effect this area. I would consider it to be necessary, proportionate and lawful to renew the PSPO for a further three years.” “We visit the rough sleepers weekly. We have issued approximately 15 warning notices in the last 3 years under the PSPO and have found it a useful and proportionate enforcement tool to tackle rough sleeping from problem locations.”

4.11 The Communities Scrutiny Group has also fully considered the topic and endorsed the proposed renewal at its meeting on 3 October 2019.

5. Alternative options considered and reasons for rejection

5.1. The alternative options available to the Council are as follows;

The Council could decide not to renew the PSPO. This has been rejected due to the support for renewal from Statutory Partners, specifically the Police and the County Council. Whilst alternative powers exist to control both street drinking and outdoor sleeping, it is clear that the existence and provisions of the PSPO helps enforcement authorities.

6. Risks and Uncertainties

6.1. The risk of proceeding with powers which are beyond those which the public and key stakeholders considers are required is that those powers are seen to be unfair or unreasonable which could be to the detriment of the reputation and effectiveness of the Council

7. Implications

7.1. Financial Implications

7.1.1 Implementation and Enforcement costs will be contained within existing budgets, no additional resource required. It is possible that implementation of the policy could lead to an increase in street trading licence purchases, the additional revenue would be worked into the full cost recovery of licence fees.

7.2. Legal Implications

7.2.1. This reports supports the use of statutory powers to deal with anti-social behaviour. The report confirms that the requirements of the Act have been complied with insofar as the Act prescribes an initial duration of an order for a period of three years and a duty to consult thereafter where an extension is proposed.

7.3. Equalities Implications

7.3.1. An Equalities Impact Assessment has been undertaken which identified no major or adverse impact.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

7.4.1. The implications of the Crime and Disorder Act have been considered.

8. Link to Corporate Priorities

Quality of Life	Ensuring that appropriate controls are in place to manage street drinking and outdoor sleeping are an important tool to protect local communities from related anti social behaviour.
Efficient Services	None
Sustainable Growth	None
The Environment	Helps to ensure an attractive and clean environment which has a positive impact on residents and business

9. Recommendations

It is RECOMMENDED that that the Public Space Protection Order to control street drinking and outdoor sleeping in the areas set out in Appendix 1 and 2 be approved.

For more information contact:	Geoff Carpenter Environmental Health Manager 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	a) Report to Council September 2016 b) PSPO made 2 Feb 2017 c) Review Report to Community Development Group 5 June 2018 d) Review Report to Community Scrutiny Group 3 October 2019
List of appendices:	Appendix 1 – Draft PSPO Order 2020 Appendix 2 – Final Schedules 1 March 2017 Appendix 3 – Summary of Consultation Responses Appendix 4 – Equality Impact Assessment

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RUSHCLIFFE BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER NO.1 OF 2020

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 ('THE ACT')

Rushcliffe Borough Council, **being satisfied** that:

- a) Activities as described in section 3i and 3ii below ('the activities') carried out in a public place within its area have had a detrimental effect on the quality of life of those in the locality and/or
- b) It being likely that activities will be carried on in a public place and that they will have such an effect

And that the effect or likely effect of the activities

- a) Is or is likely to be of a persistent or continuing nature
- b) Is or is likely to be such as to make the activities unreasonable ; and
- c) Justifies the restrictions imposed by this Order

And pursuant to the requirements of section 72 of the Act the Council:

- a) Having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on Human Rights ; and
- b) Having carried out the necessary consultation, notification and publicity

HAS DECIDED TO MAKE this Public Spaces Protection Order under section 59 of the Act:

1. The land described in Schedule below ('the restricted areas') being land in the area of the Council to which the Act applies is land protected by the making of this Order.
2. The Order may be cited as the Rushcliffe Borough Council Public Spaces Protection Order No. 1 of 2016 ('the Order') and shall come into force on 1 March 2020 for a period of 3 years unless extended by further orders made under the Council's statutory powers.
3. The effect of this Order is to impose the following conditions on the use of the restricted areas at all times:

Conditions in the Order which are prohibitions –

In the restricted areas a person commits an offence if, without reasonable excuse, he or she continues to carry out activities which, by this Order, are prohibited, namely:

- i. No person shall sleep in any public place which is or includes –
 - open to the air
 - within a vehicle
 - within a car park
 - a non-fixed structure including caravans and tents without the prior permission of the owner or occupier of the land other than at a place designed for the purpose of sleeping including designated camp sites.
- ii. No person shall refuse to stop drinking alcohol or hand over containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer to prevent public nuisance and disorder.

OFFENCES

1. It is an offence for a person without reasonable excuse to engage in any activity prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine.
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine.
4. An authorised person may issue a Fixed Penalty Notice of a maximum of £100 to anyone he or she believes has committed an offence as an alternative to prosecution.

GENERAL

1. The Council is satisfied that the conditions set out in sections 59, 64 and 72 of the Act have been met and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the restricted areas.
2. For the purposes of this Order, a 'public place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
3. An authorised officer means an employee of the Council, a person designated by the Council, a Police Officer or a Police Community Support Officer.
4. An 'interested person' (as defined in section 66(1) of the Act) may apply to the High Court to question the validity of this Order or any variation thereof on the grounds specified in section 66(2) of the Act within 6 weeks of the date of the Order or any subsequent variation.

Dated this day of 2020

The Common Seal of

Rushcliffe Borough Council

was hereunto affixed

In the presence of:



Rushcliffe
Borough Council

Mayor

Senior Solicitor

SCHEDULE

The land shown edged black on Figure 1 and red on Figures 2 to 21 and described in the following Lists, which Figures and Lists form part of this Order.

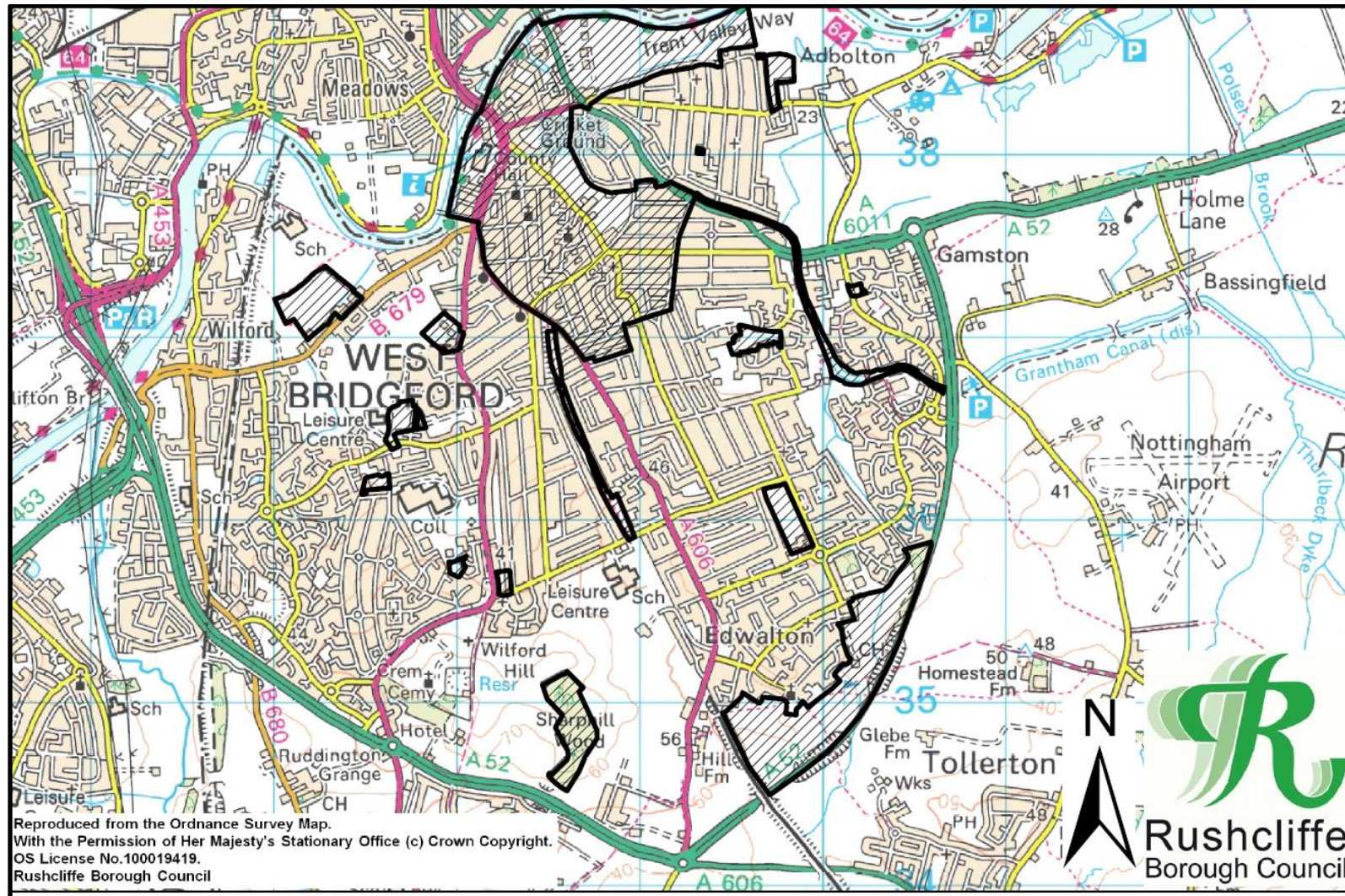


Figure 1 - Indicative plan showing the whole area of the Rushcliffe PSPO No.1 of 2017

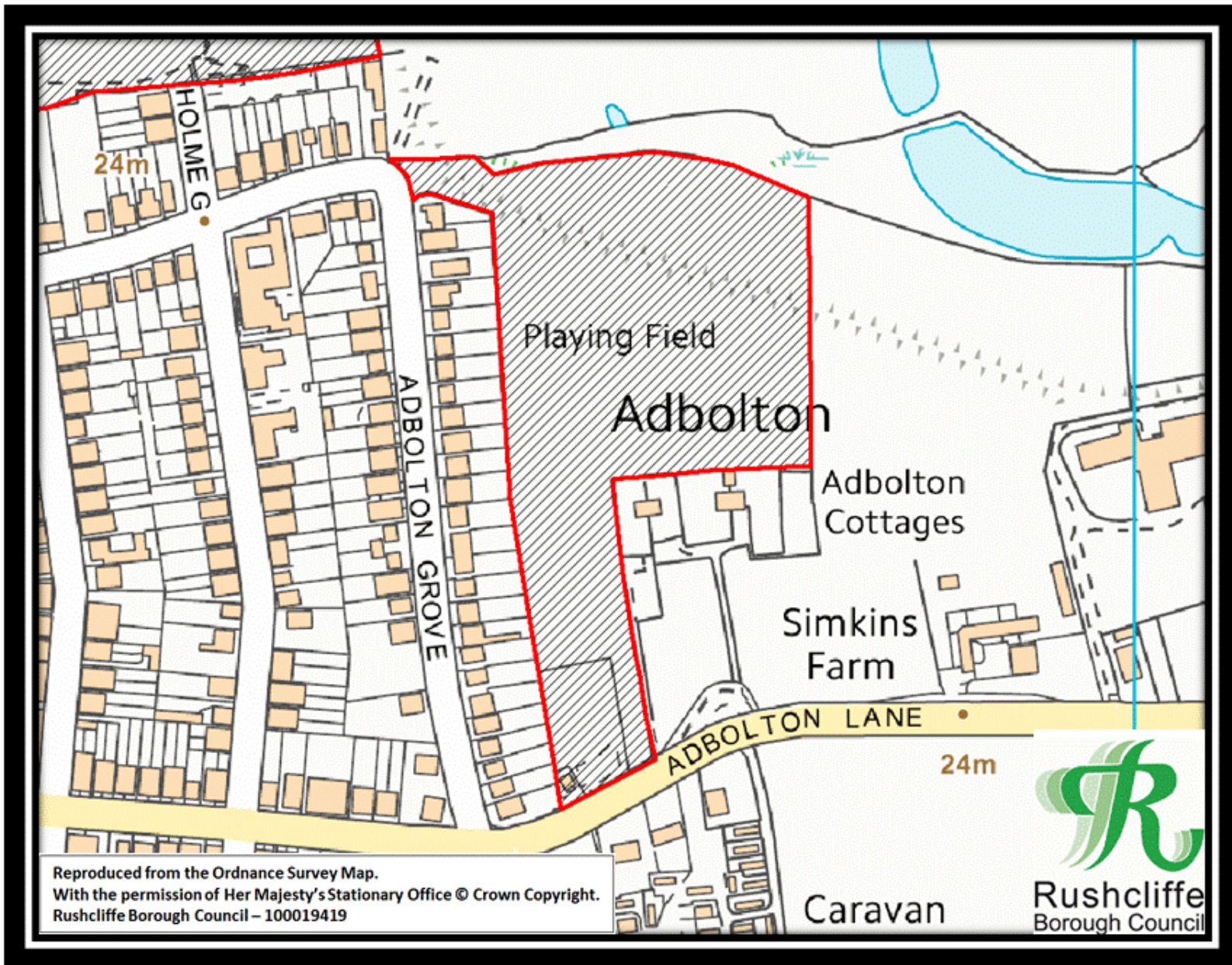


Figure 2 – Adbolton Playing Field

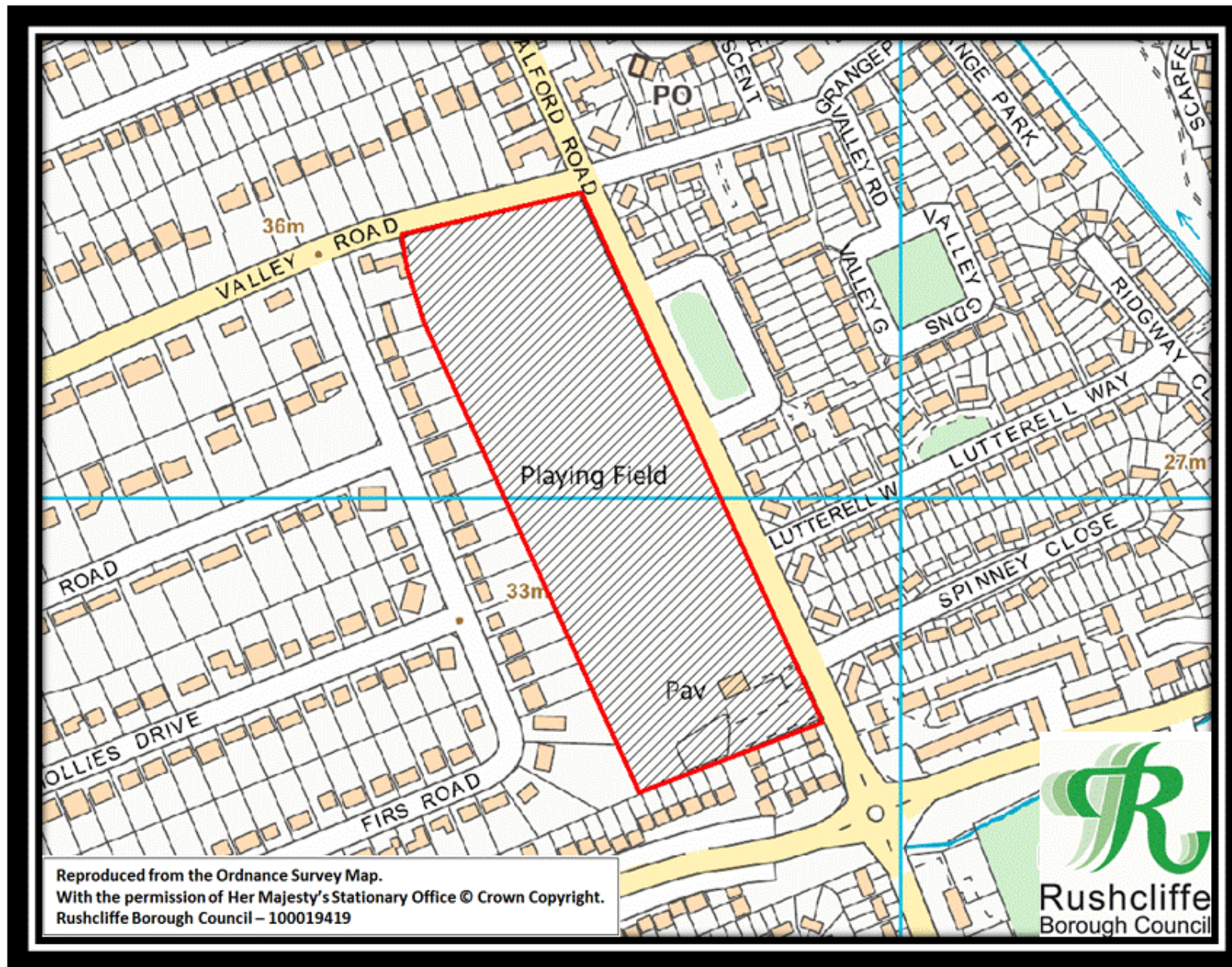


Figure 3 – Alford Road Playing Field

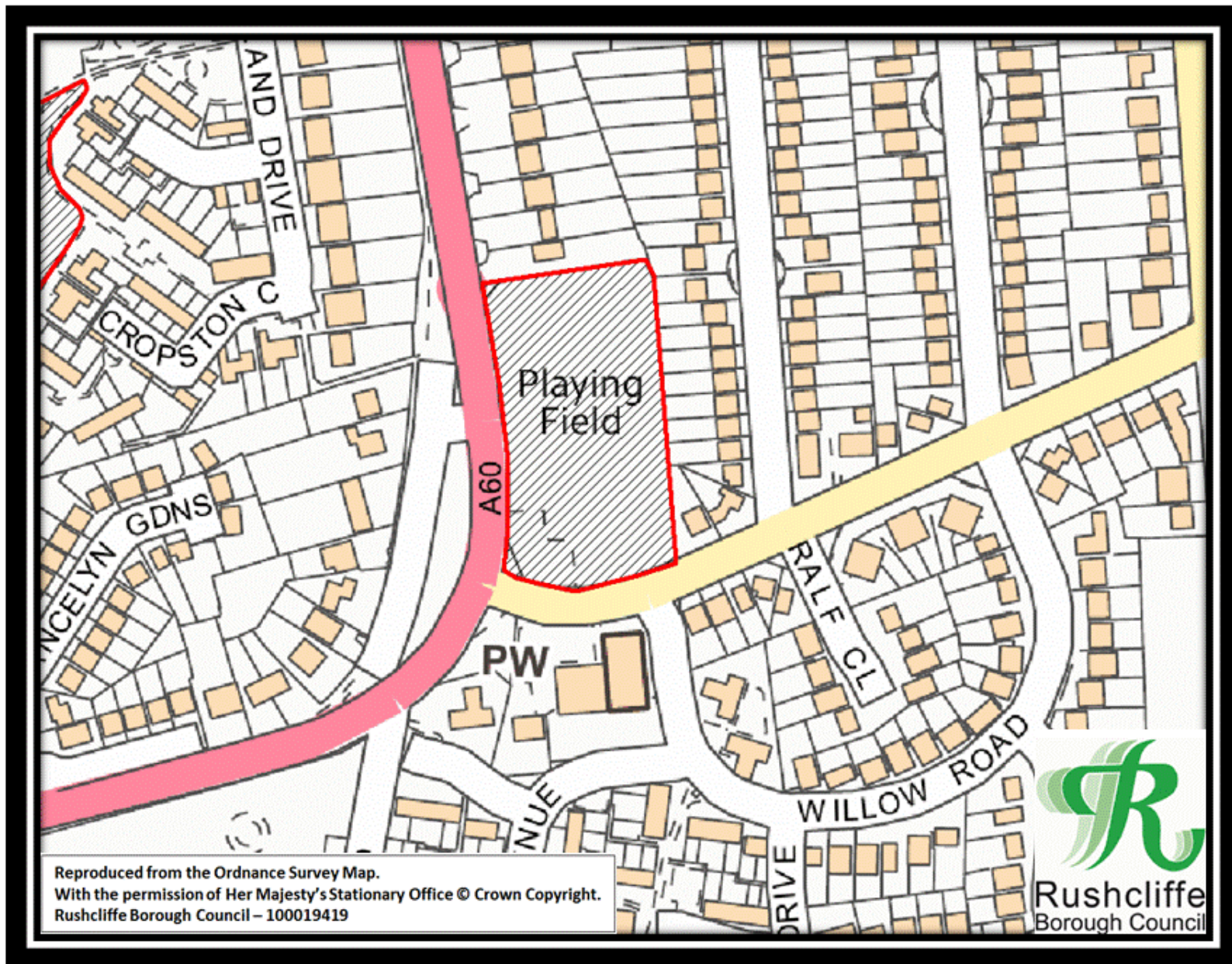


Figure 4 – Boundary Road Playing Field

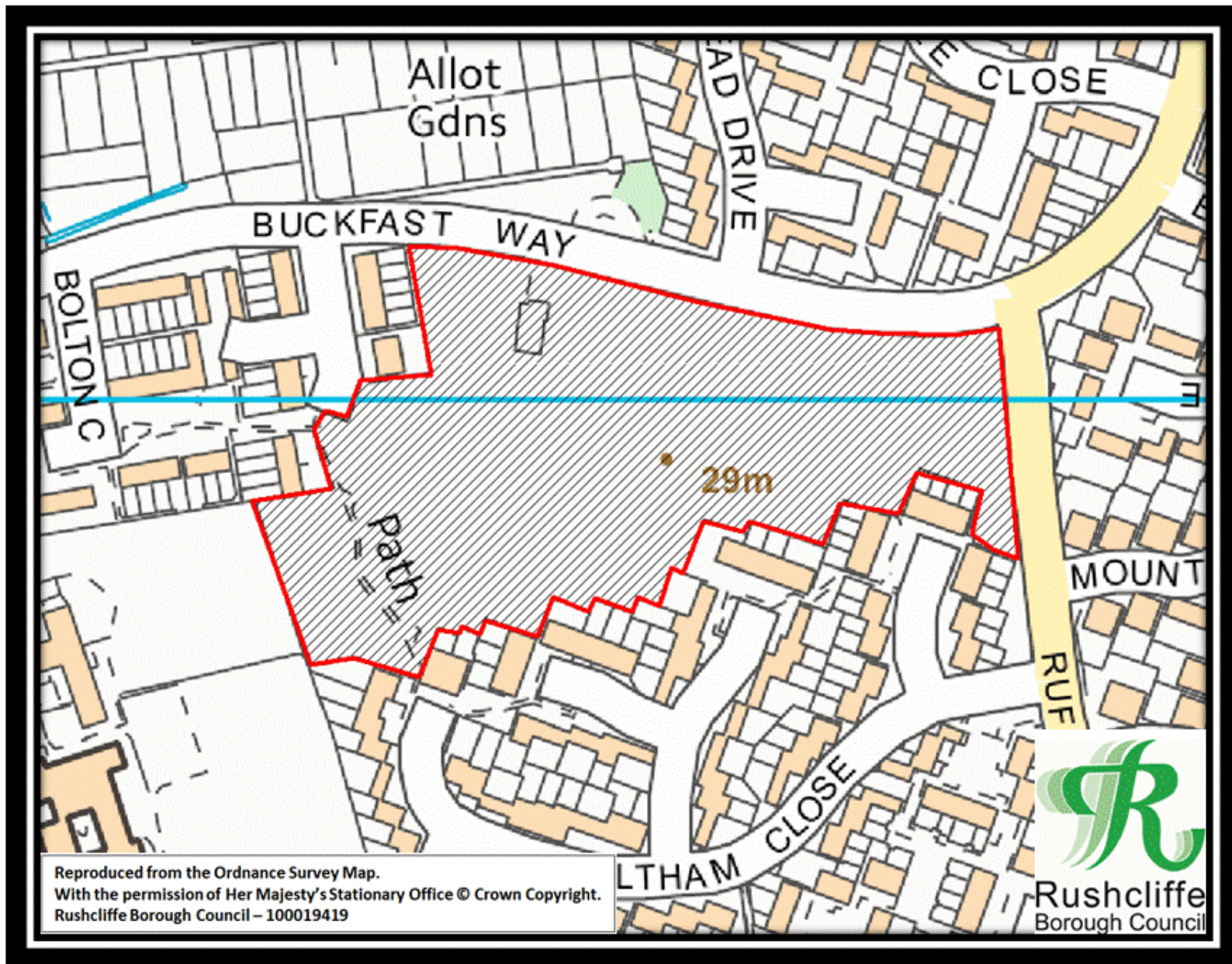


Figure 5 – Buckfast Way Open Space

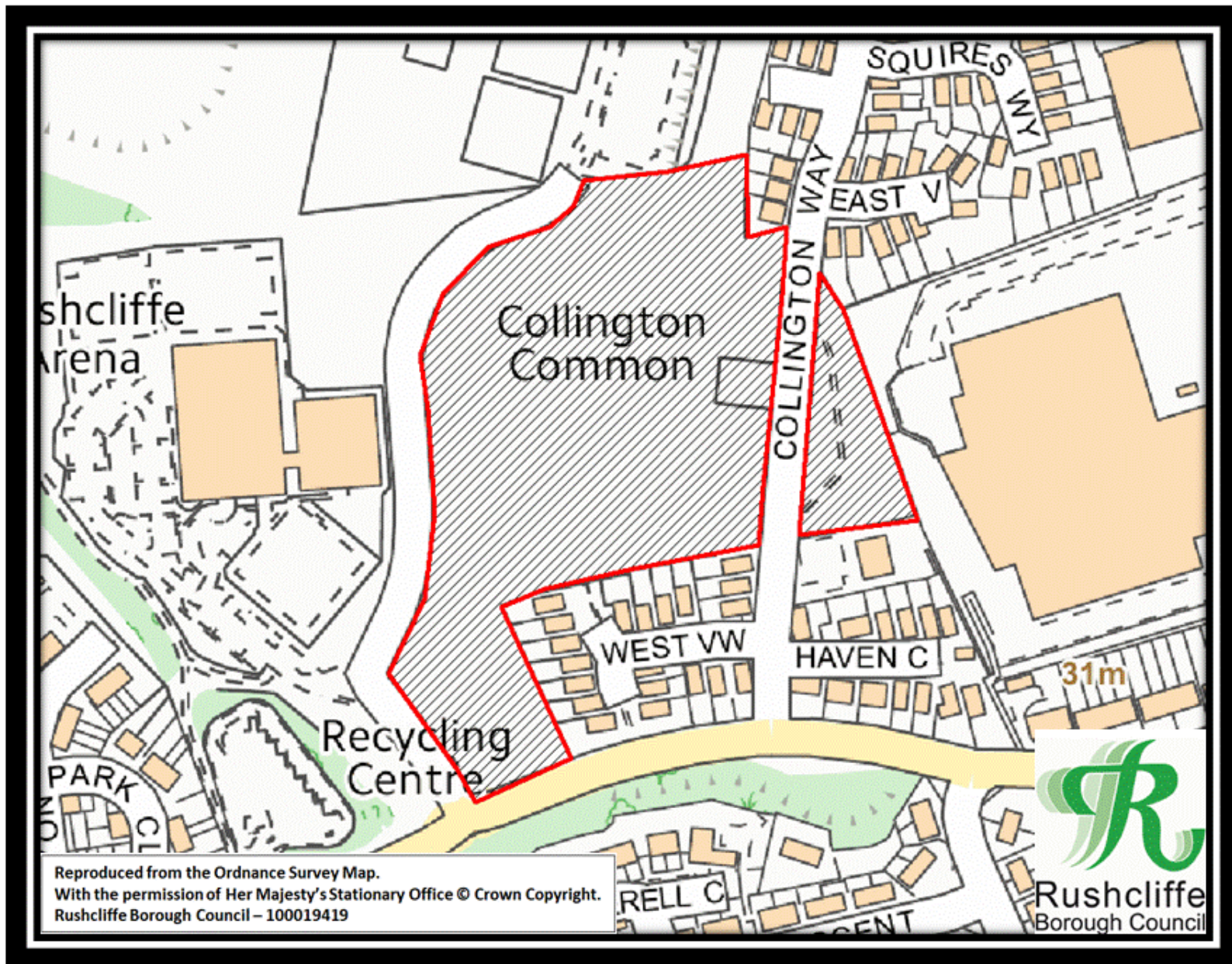


Figure 6 – Collington Common Open Space

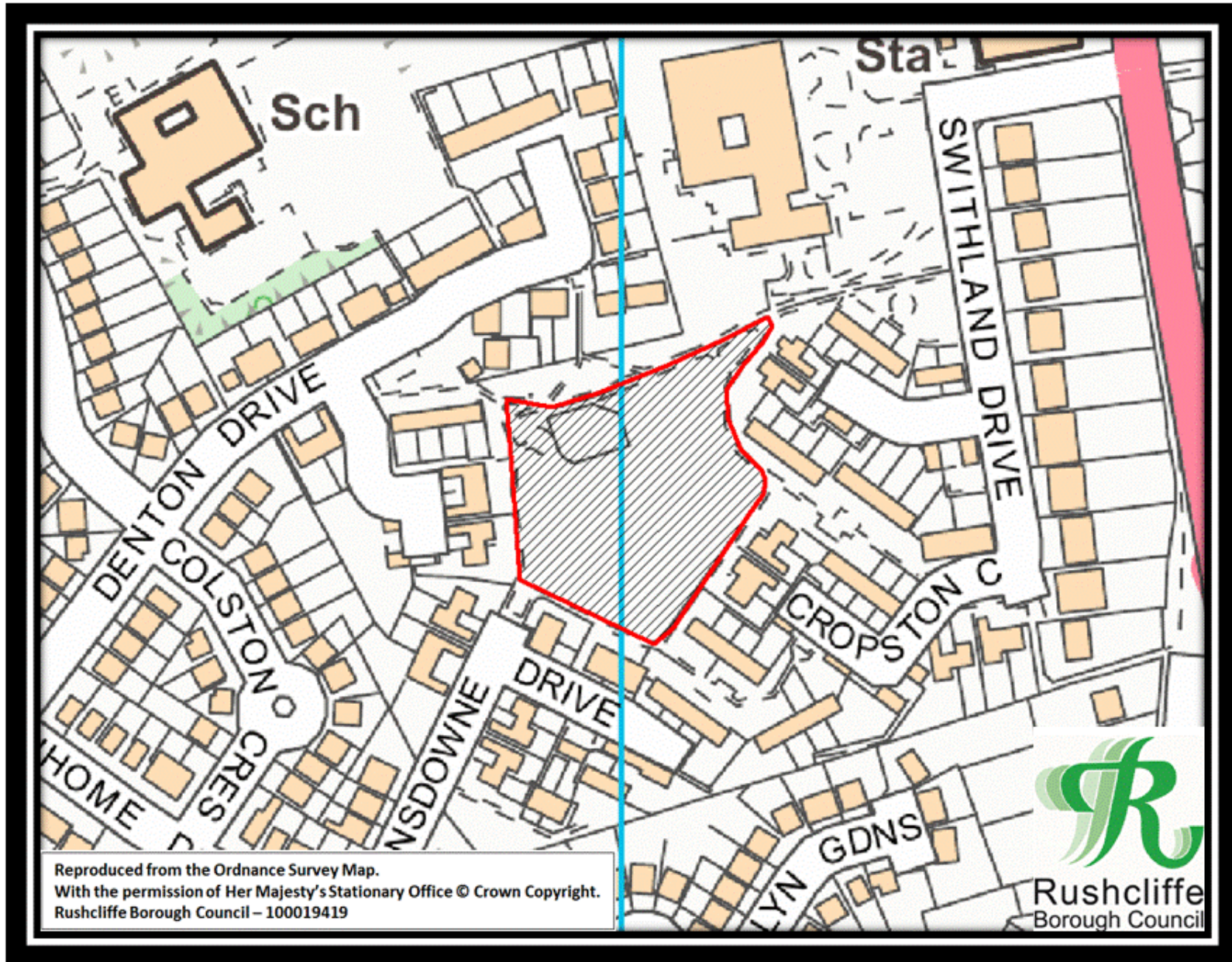


Figure 7 – Denton Drive Play Area

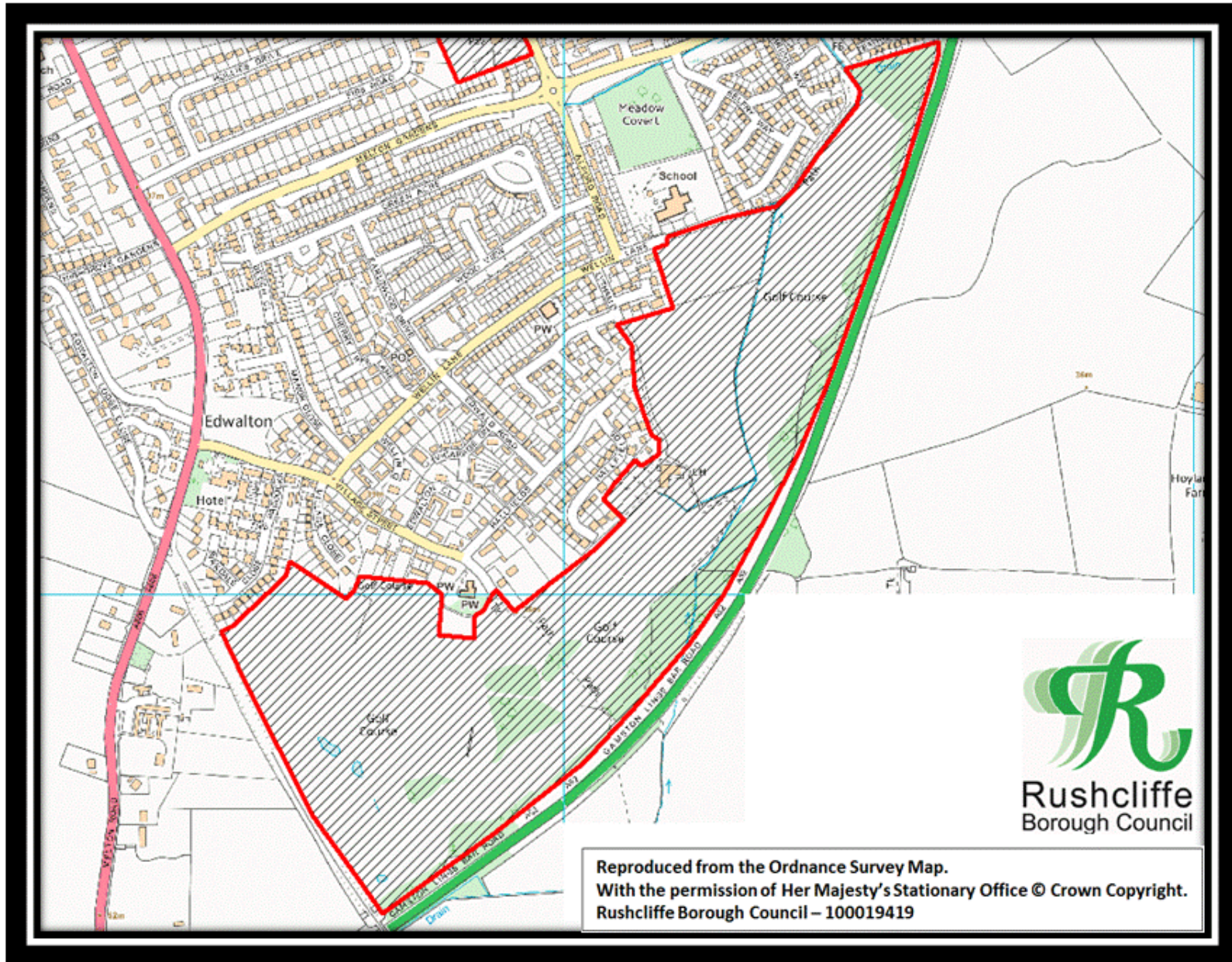


Figure 8 – Edwalton Golf Course

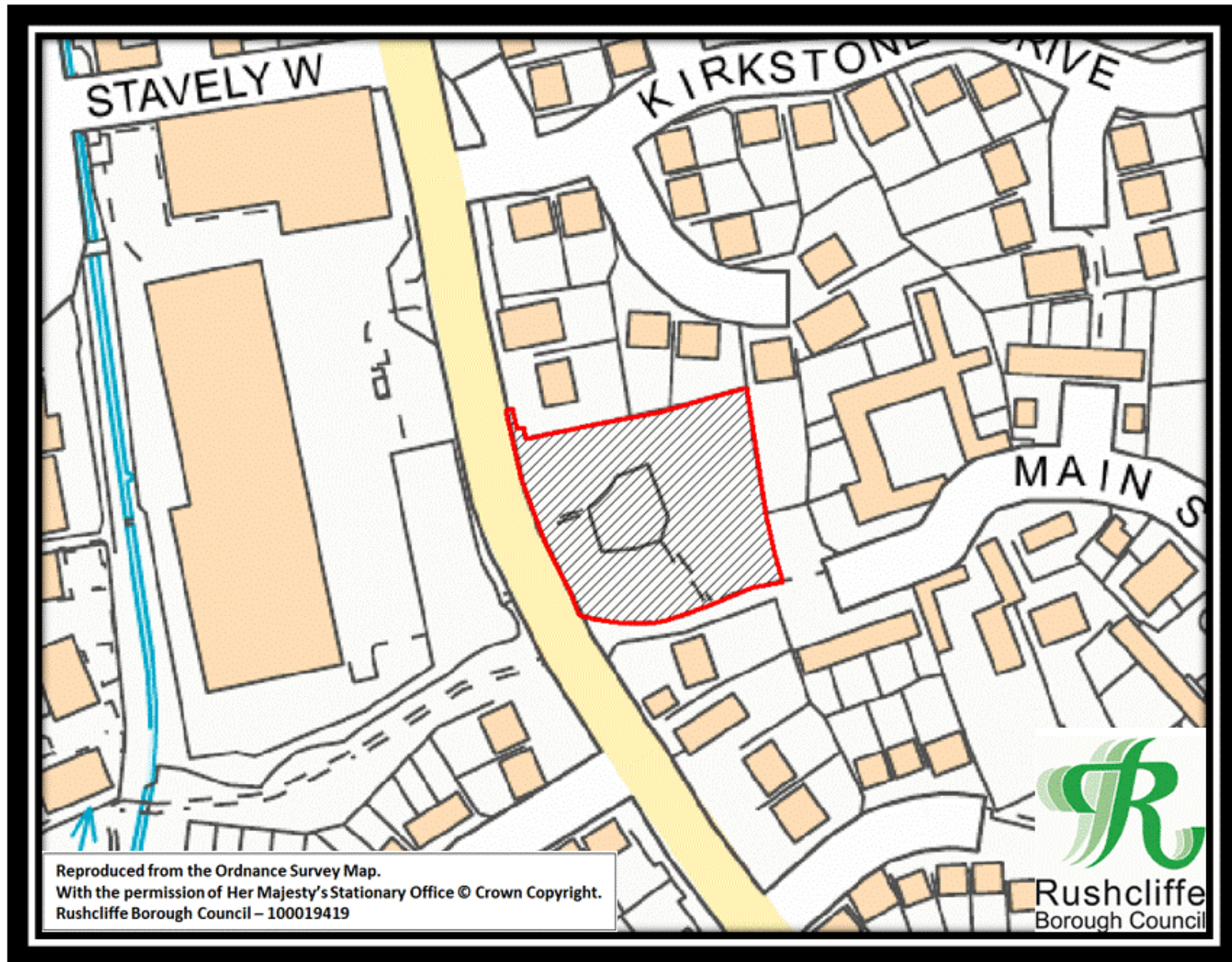


Figure 9 – Gamston Play Area

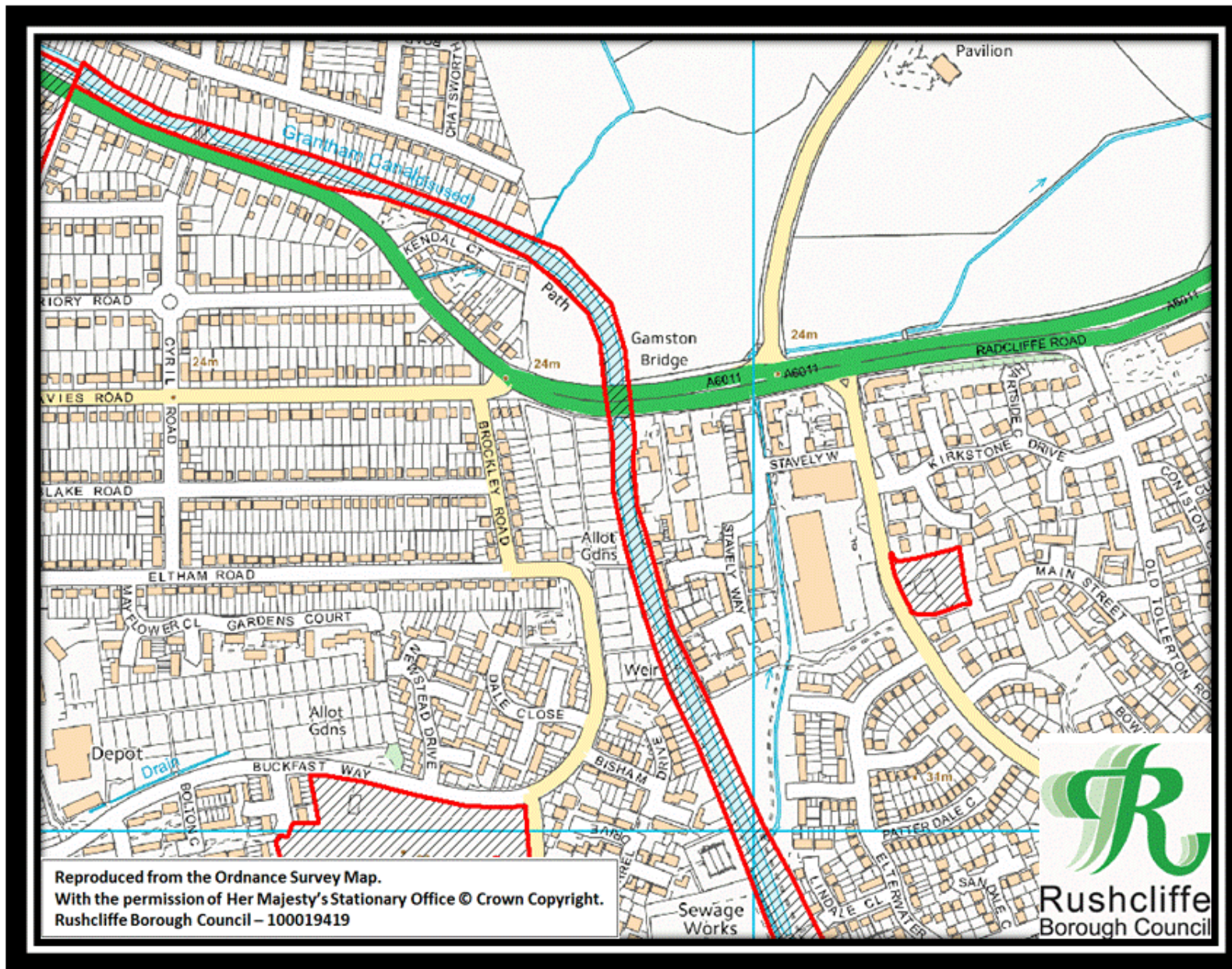


Figure 10 – Grantham Canal Tow Path North

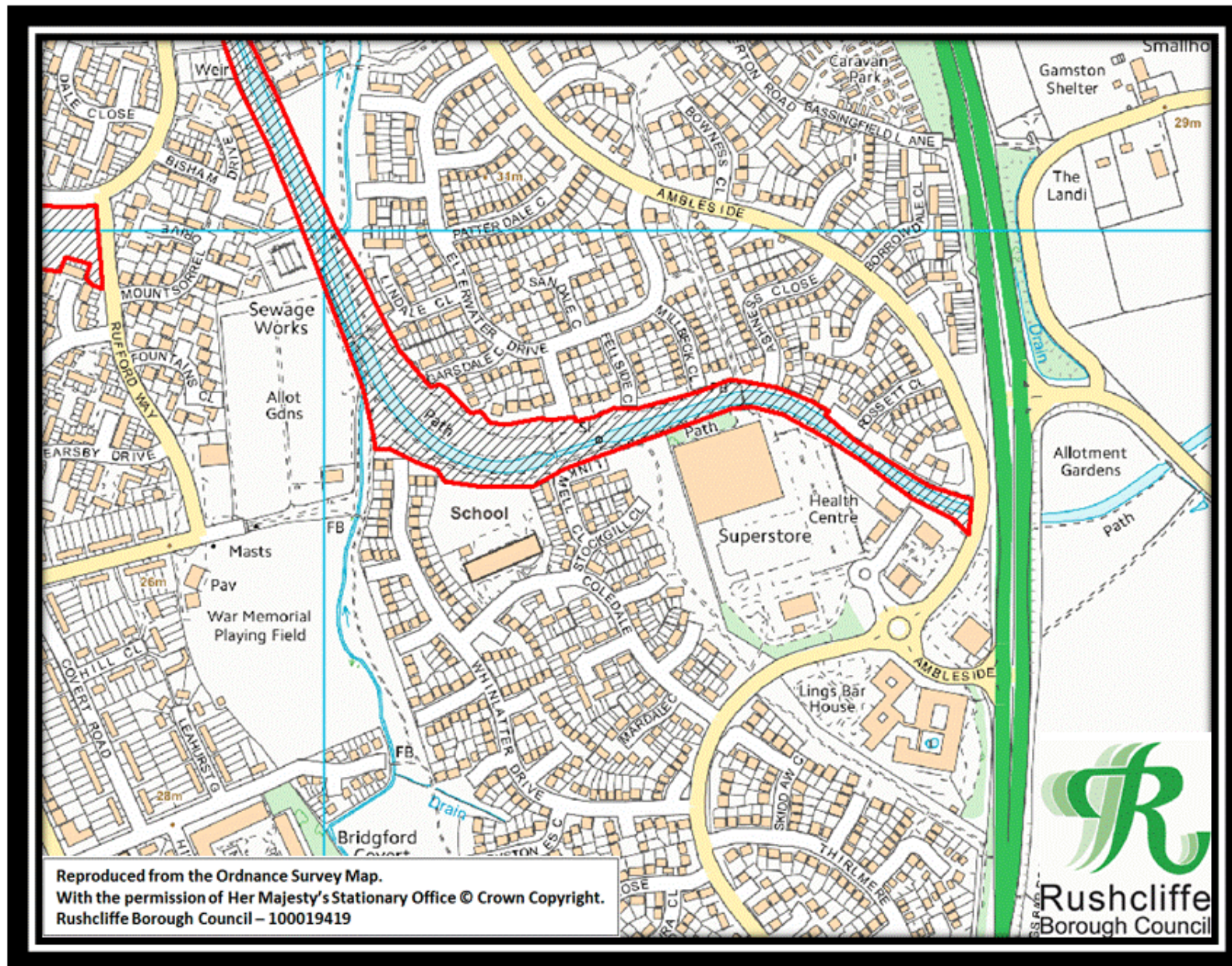


Figure 11 – Grantham Canal Tow Path South

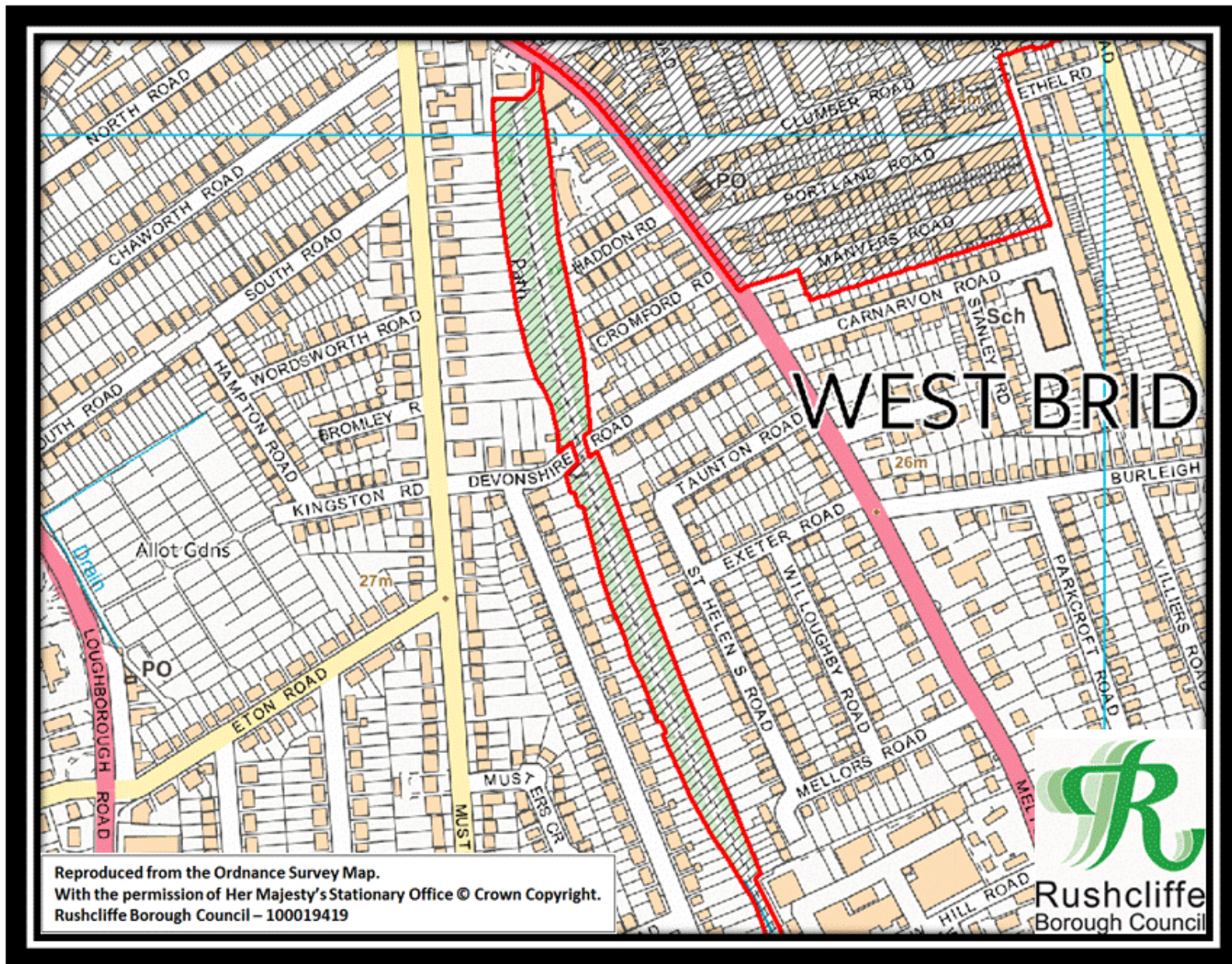


Figure 12 – The Green Line North

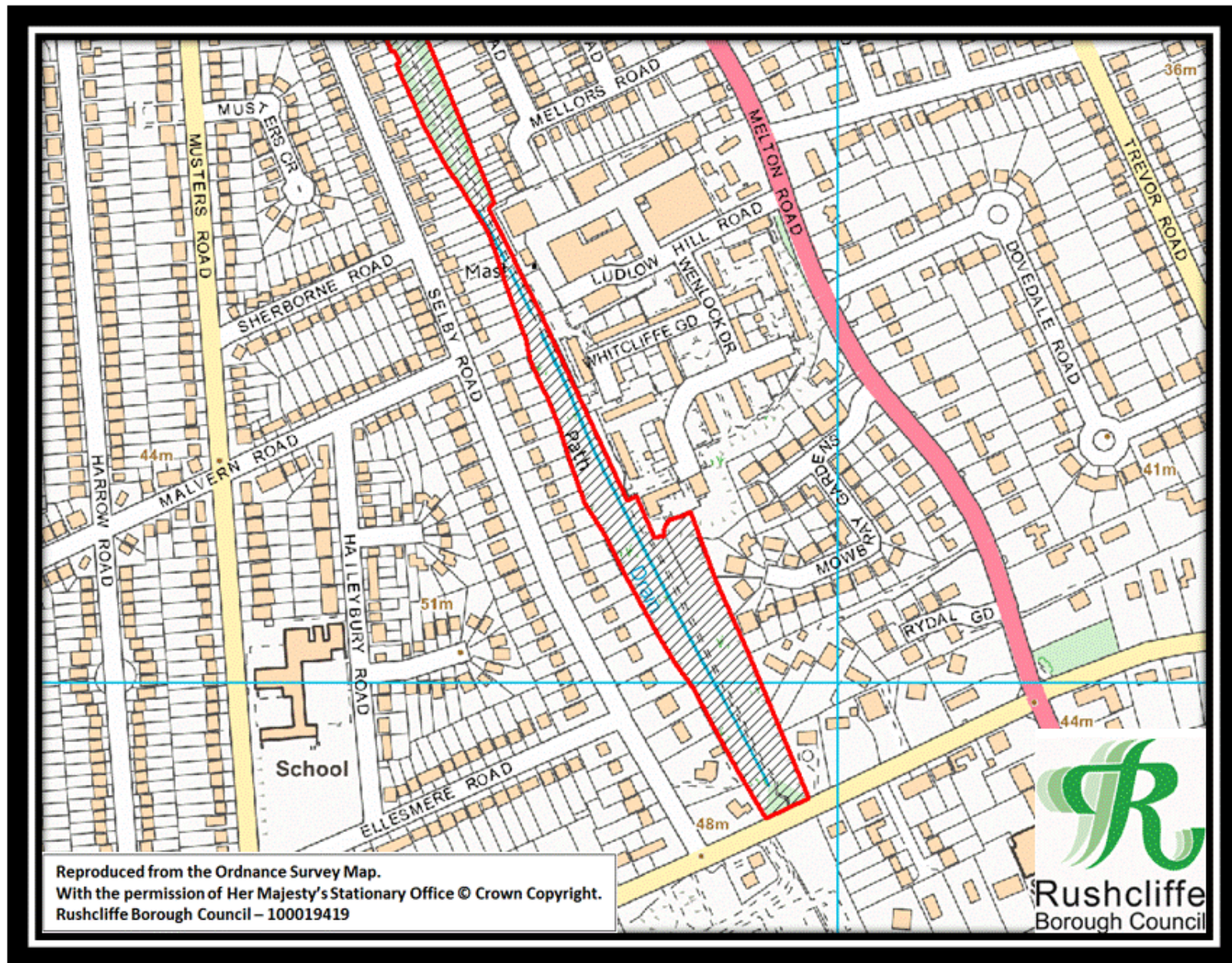


Figure 13 – The Green Line South

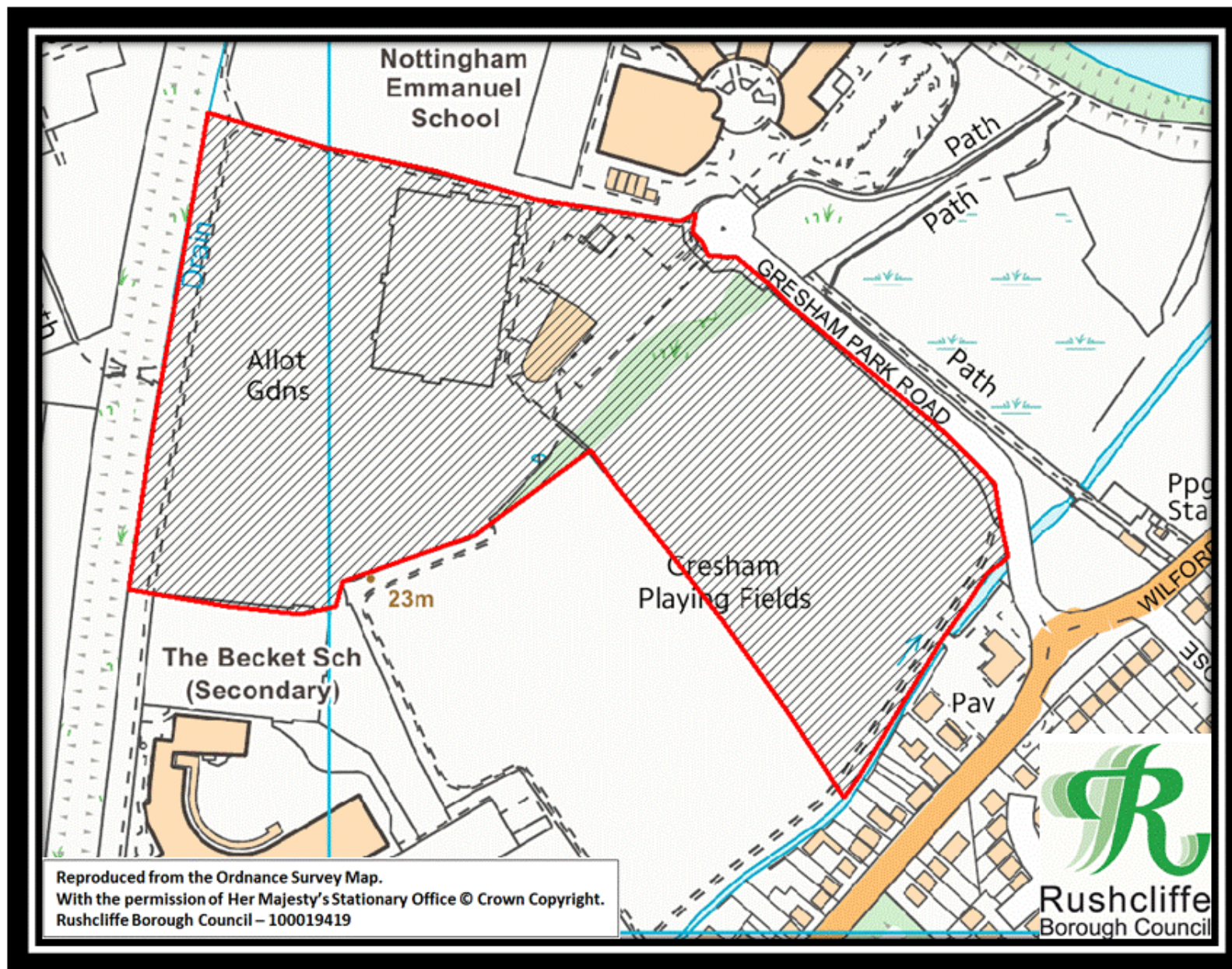


Figure 14 – Gresham Playing Fields

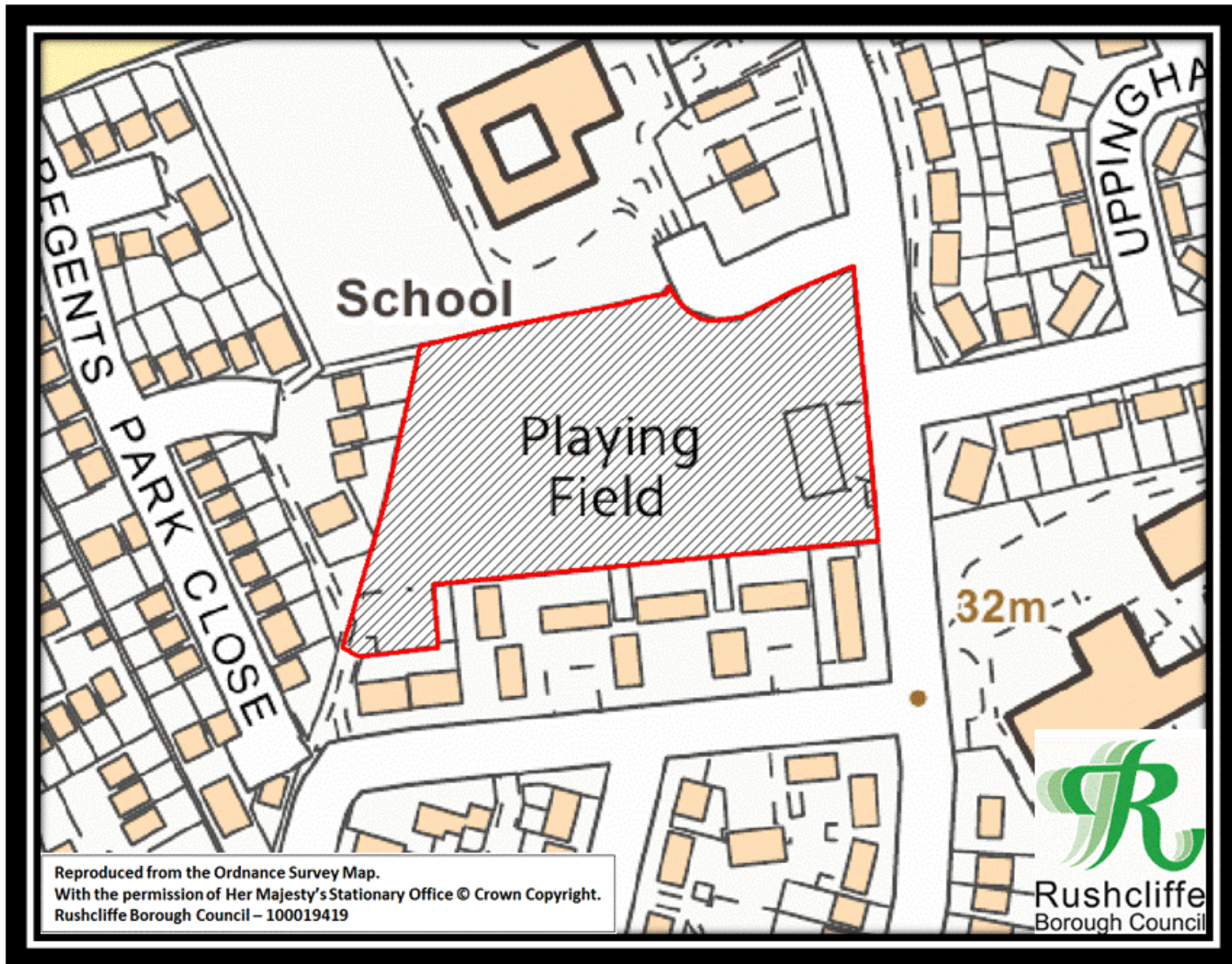


Figure 15 – Greythorn Drive Playing Field

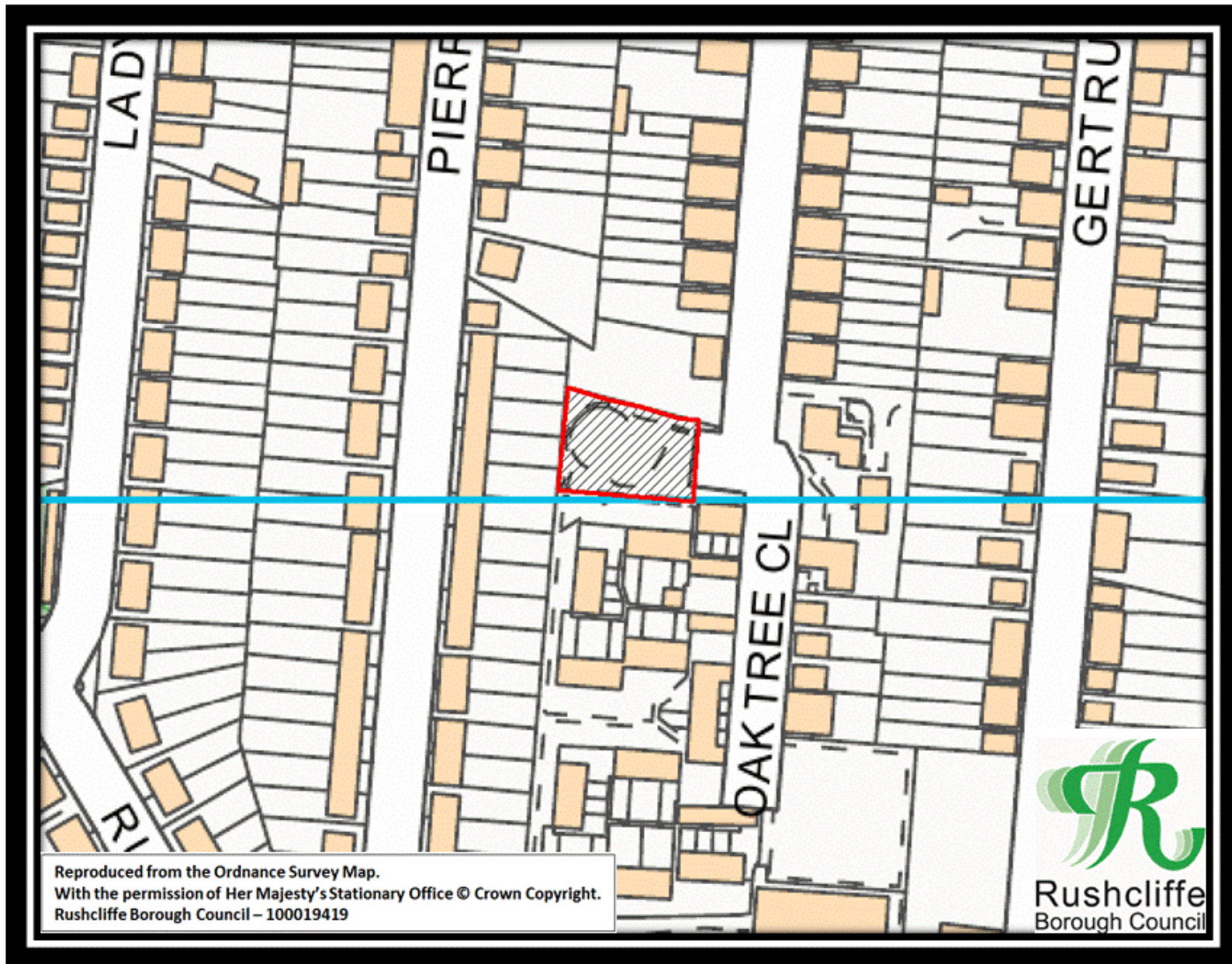


Figure 16 – Oak Tree Close Play Area

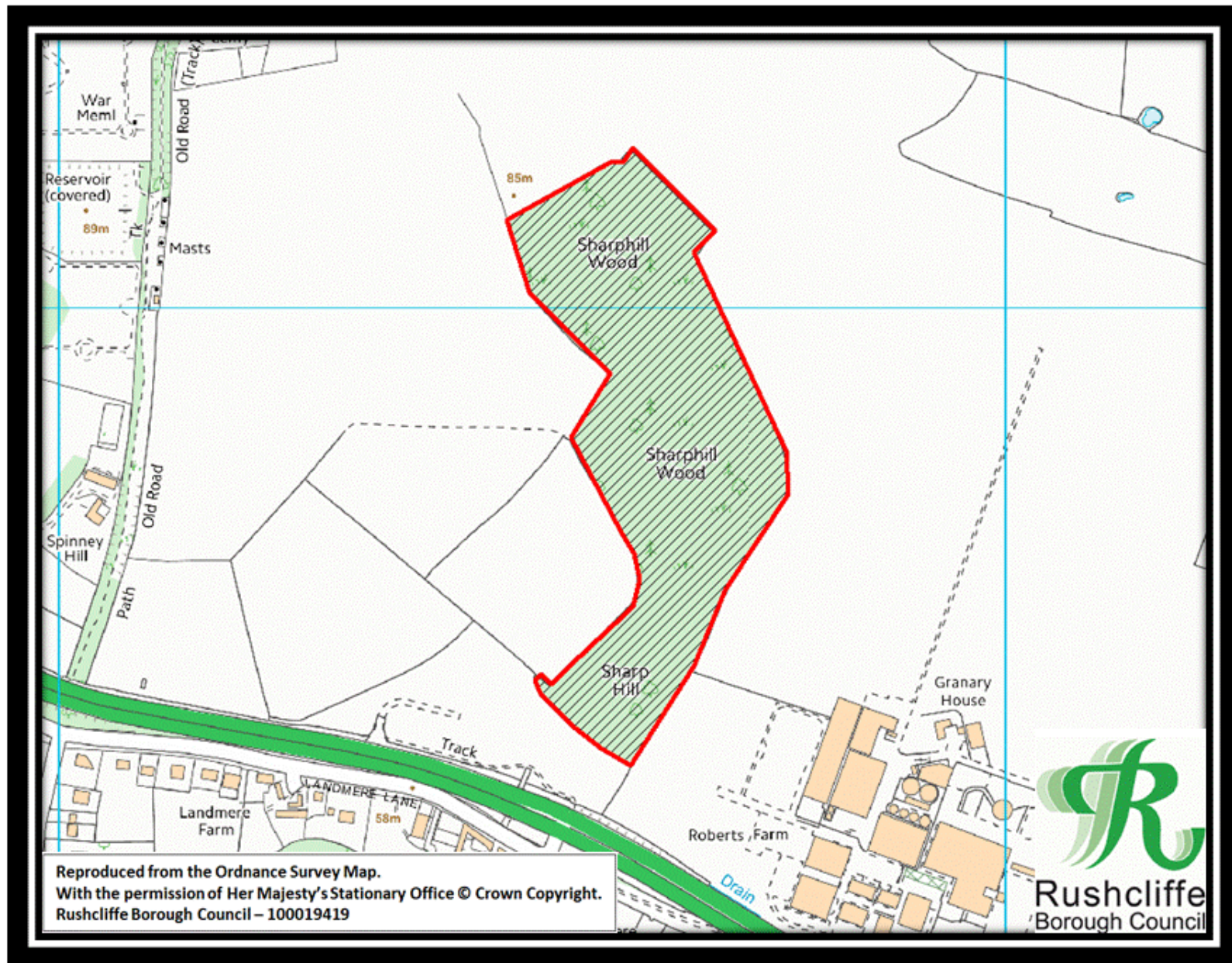


Figure 17 – Sharphill Wood

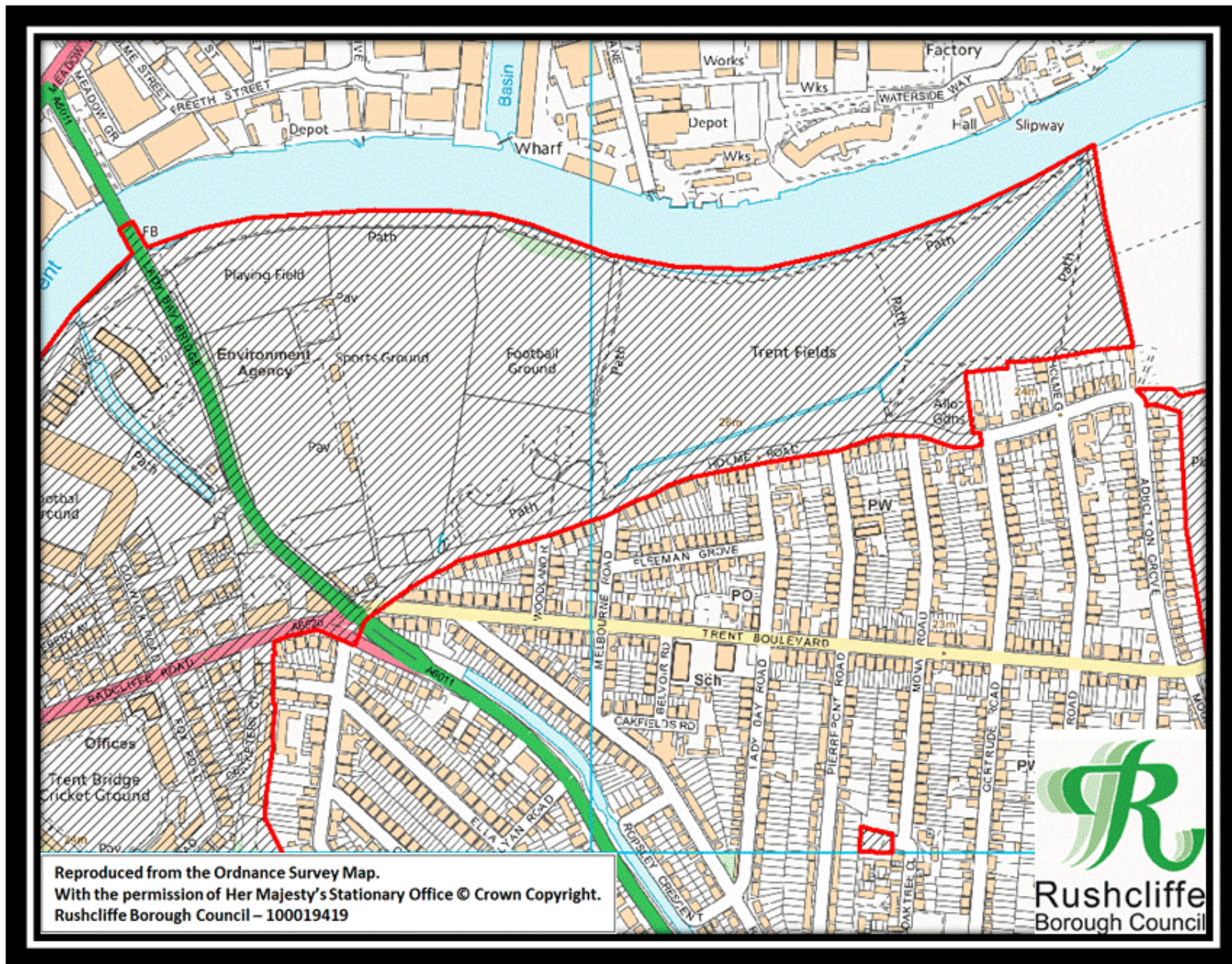


Figure 18 – Lady Bay and The Hook

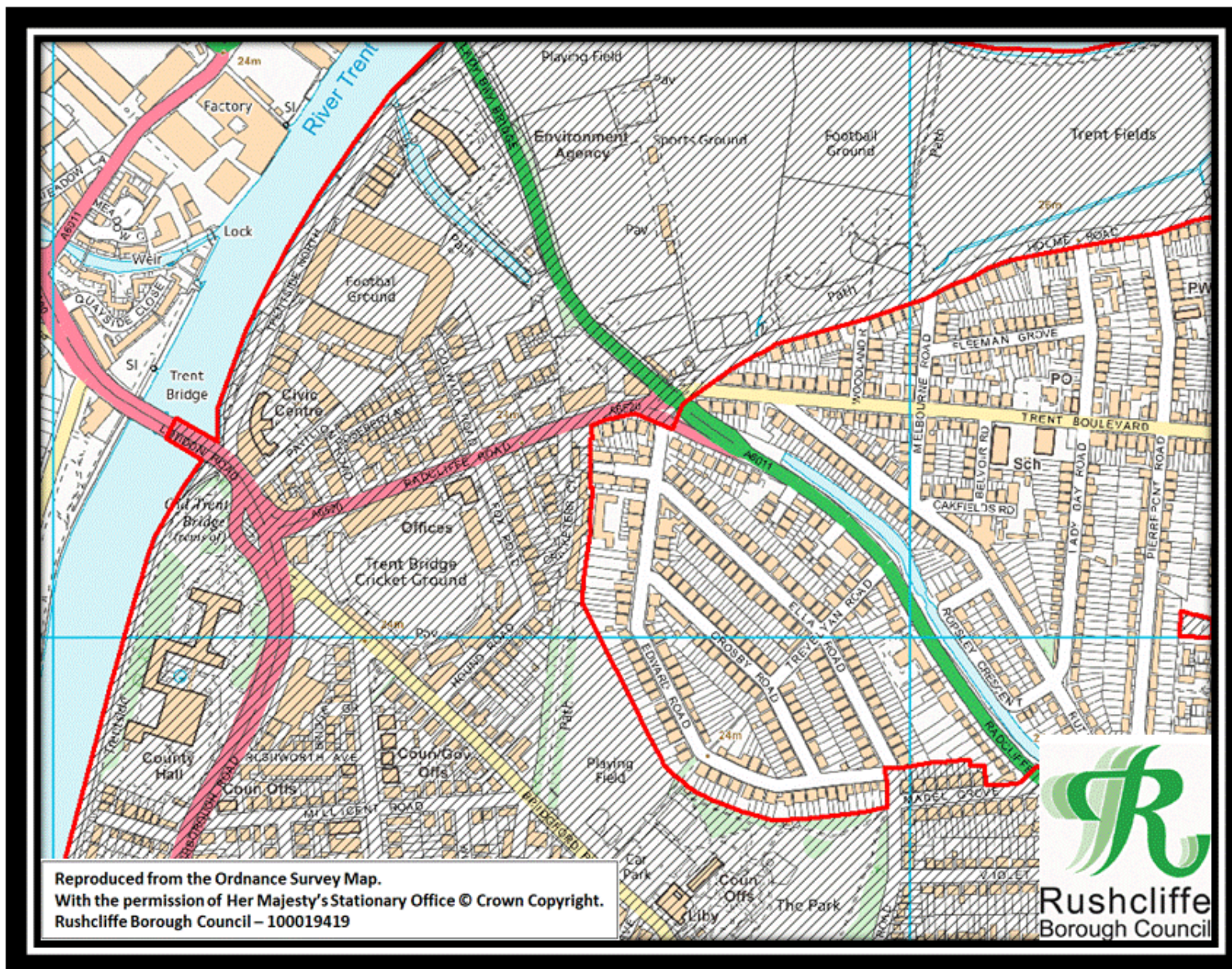


Figure 19 – Trent Bridge Ward North

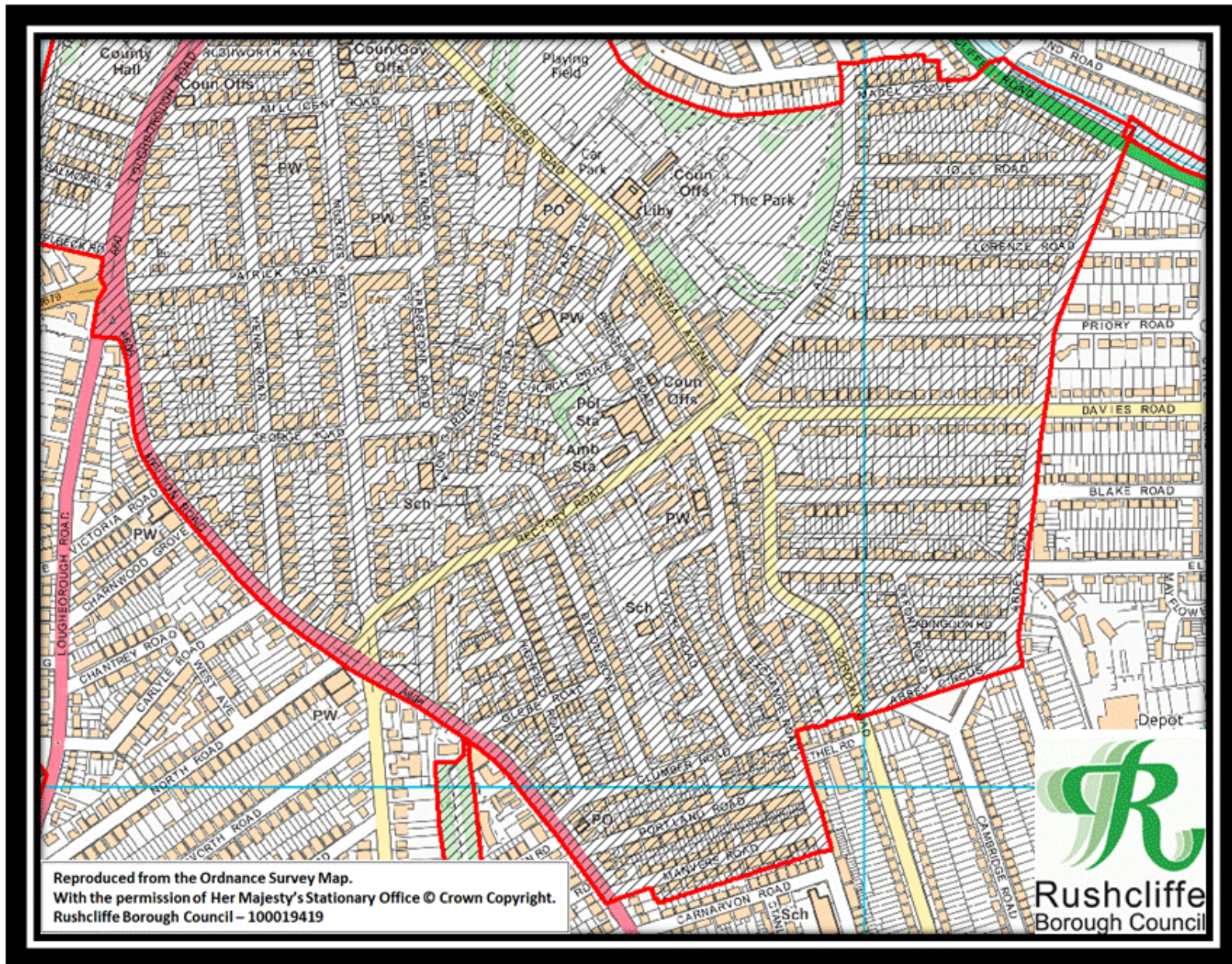


Figure 20 – Trent Bridge Ward South

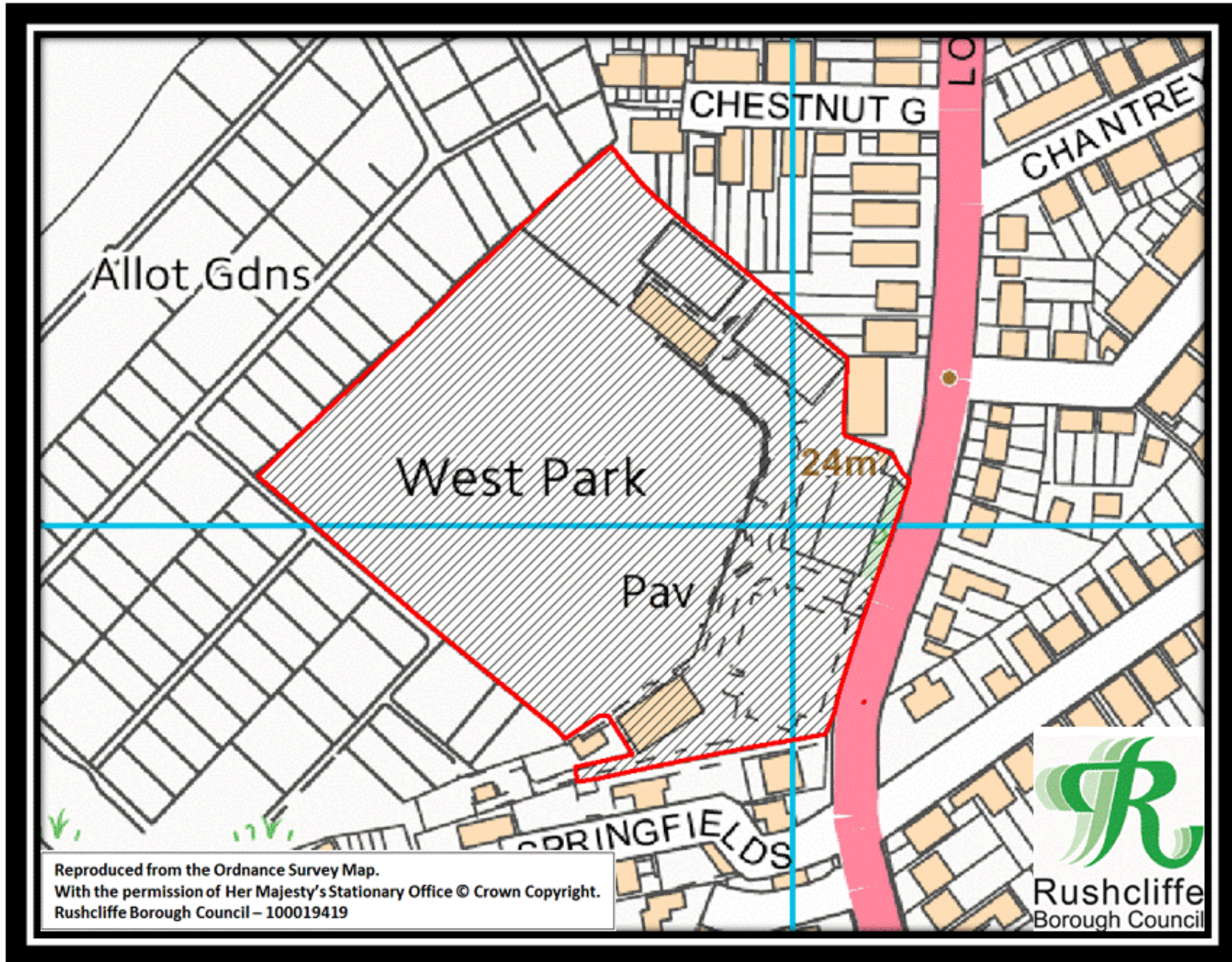


Figure 21 – West Park

RUSHCLIFFE BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER NO.1 OF 2017

List of streets included in the Public Space Protection Order

Abbey Circus	Mabel Grove
Abbey Road	Manvers Road
Abingdon Road	Marlborough Court
Albert Road	Melton Grove
Annesley Road	Melton Road
Avon Gardens	Millicent Grove
Balmoral Avenue	Millicent Road
Blake Road	Musters Road
Bridge Grove	Orston Road East
Bridgford Road	Oxford Road
Byron Road	Park Avenue
Central Avenue	Patrick Road
Church Croft	Pavilion Road
Church Drive	Peveril Court
Clumber Road	Portland Road
Colwick Road	Priory Road
Davies Road	Radcliffe Mount
Edwalton Avenue	Radcliffe Road
Edwinstowe Avenue	Rectory Road
Eltham Road	Rosebery Avenue
Epperstone Road	Rushworth Avenue
Ethel Road	Sandringham Avenue
Exchange Road	Scarrington Road
Florence Road	Stratford Road
Fox Road	Terrian Crescent
George Road	Thoroton Road
Glebe Road	Trent Side North
Gordon Road	Trent Side
Hawksworth Road	Tudor Road
Henry Road	Tudor Square
Highfield Grove	Violet Road
Highfield Road	Welbeck Road
Hound Road	Wellington Crescent
Loughborough Road	William Road
Ludlow Avenue	

List of Parks, Playgrounds, and Common spaces included in the Public Space Protection Order

Adbolton Lane Play Area
Alford Road Playing Fields
Ambleside (Gamston) Play Area
Boundary Road Playing Fields
Bridge Fields Park
Bridgford Park
Buckfast Way Open Area
Collington Common
Denton Drive Play Area
Edwalton Golf Course
Grantham Canal Towpath
Gresham Playing Fields
Greythorn Drive Play Area
Ten Acres (Adbolton Lane) Playing Fields
The Green Line
The Hook
Oak Tree Close Play Area
Sharphill Woods
West Park

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Publics Spaces Protection Order Renewal September 2019

Consultation Responses

Closing Date for Responses: **Friday 20 September 2019**

Responses in Support of the renewal of the PSPO		
Date Received	Name	Comment
1 11/09/19	Insp. Craig Berry	From Notts Police perspective we are supportive of the Public Space Protection Order (PSPO) renewal as we see it as a valuable tool to deal with prescribed types of anti-social behaviour that know disproportionately effect this area. I would consider it to be necessary, proportionate and lawful to renew the PSPO for a further three years.
2 21/08/19	John Butler	Some years ago Nottingham city dispersed all the sleepers , including those begging outside ATMs. They also brought in a litter ban and fined people for even dropping a cigarette end. The streets became clean again. The beggars disappeared and it felt safer and cleaner all round. Today Nottingham city has now gone back to what it was. The enforcements seemed to have disappeared. My point is that enforcement works. Therefore I am in agreement to any enforcement which makes West Bridgford better, cleaner and safer is a plus. I would like to see all litter disappear, all drinking outside public places prohibited. Street begging and sleeping ended. Thanks John resident West Bridgford
3 18/9/2019	John Butler	My view is that both drinking and sleeping should be banned from the streets. The streets were made for walking and driving and not for anything else.

		<p>Litter caused by drinking on the streets is rising and litter bans should be in place. The time when litter bans were enforced in Nottingham centre was the time when it was the cleanest iv ever seen. Sleeping definitely should be stopped.</p> <p>John Butler West Brdigford resident</p>
4 18/09/19	Abhi Nair	<p>I would support this .Recently we had drunk gentleman near M&S heckling passers by . Bw Abhi Nair</p>
5 27/08/19	Richard Elliott	<p>I supported the original order and I support its renewal, not least because I believe it would give the wrong message if the order were to be withdrawn.</p> <p>As a volunteer for the Friends of Sharphill Wood, I believe this area in particular should continue to be covered by a PSPO. The wood is regularly used by groups of mainly school aged children as somewhere to celebrate the end of term or exams away from the public gaze, where our main concern is the litter that they leave, often accompanied by damage to the woodland from fires or deliberate destruction of trees. I believe the existence of the PSPO goes some way to discouraging such anti-social behaviour and hope that the order will be continued.</p> <p>Richard Elliott Rushcliffe resident and FoSW volunteer.</p>
6 12/09/19	Cllr A Major	<p>To whom it may concern</p> <p>I wanted to express my support for plans for the renewal of the Public Spaces Protection Order for West Bridgford. It seems to me to be in the best interests of residents and business owners that this is order is maintained to allow those seeking to use our public spaces to do so in safety and comfort. It also gives enforcement officers authorisation to protect our community spaces within clear guidelines, something I believe is a positive for everyone.</p> <p>Yours faithfully, Annie Major</p>

<p>7 26/08/19</p>	<p>Bill Logan</p>	<p>Sharphill Wood and the surrounding hill are included in the current areas covered by PSPOs. The Friends of Sharphill Wood believe the area should continue to be covered by a PSPO. The wood is regularly used by groups of mainly school aged children as somewhere to celebrate the end of term or exams away from the public gaze. As such they are, of course, committing the offence of under age drinking, but our main concern is the litter that they leave, often accompanied by damage to the woodland from fires or deliberate destruction of trees.</p> <p>We understand the reasons why the police Neighbourhood Teams are not able to respond to reports of such occurrences, but we believe the existence of the PSPO goes some way to discouraging such anti-social behaviour and would hope that the order will be continued.</p> <p>Regards Bill Logan Secretary Friends of Sharphill Wood</p>
<p>8 03/09/19</p>	<p>Mike Rivett</p>	<p>I wish to register my agreement with the proposal to renew the PSPO, particularly with regard to the inclusion of Sharphill Wood in the areas covered.</p> <p>Although it is not effectively enforced, the PSPO is an important tool in the control of antisocial behaviour in the wood by acting as a deterrent.</p> <p>Mike Rivett</p>
<p>9 20/08/19</p>	<p>Clare Towsey</p>	<p>Iv seen homeless people weeing in the park, the other day I saw a ladie laying under a Bush with her trouses down. the mess they make is apporling. Our park is for familys to have fun in and not to have to worries about what could be round the corner. Mrs Clare swanwick (a fond dog Walker around the park each day)</p>

<p>10 19/09/19</p>	<p>M G O'Donoghue</p>	<p>I note the orders are in part being made to stop people setting up tents on public spaces to inhibit anti-social behaviour such as: Vomiting, urinating and defecating in public areas littering and problems with litter and sanitation associated with longstanding encampments that can dissuade others from using the open space.</p> <p>I note that the whole of Ladybay and The Hook area abutting the Trent is included, but only the playing fields managed by the Council in the Gresham Fields area is covered. I request that the wildlife areas adjacent to The Nottingham Emmanuel School are included in the PSPO. One area is marked on Google maps as Willow Meadow Wildlife Area along the banks of the Trent abutting Emmanuel school lands and the other is the Marsh area between Emmanuel school and Wilford Lane (importantly including the track to the north of Greythorne Dyke).</p> <p>I walk these areas and Gresham Playing fields every day and these wildlife areas are subject to far more anti social behaviour than Gresham Playing Fields itself. In the past two to three years tent encampments have increasingly appeared in the area. I didn't notice any in the 25 years before that.</p> <p>Some are single tents that are around for a few weeks and some have two or three small tents and are around for months and appear only to be abandoned in the cold weather in January & February. I enclose a copy of a section from Google maps showing locations of tents that I have seen this month. Location A (behind the doctors surgery has been there all summer for 4 or 5 months and residents appear to have completely stopped using the path along Greythorne Dyke because of it. Location C is new in the past week or so and may be temporary.</p> <p>These encampments are detrimental to the local community's quality of life. In particular the presence of rough sleepers dissuades people from using the longstanding paths in the area which rapidly become over grown with brambles and tall nettles and within a few weeks or a month or two, depending on season, impassable. The presence of tents seriously reduces the amenity of the area.</p> <p>I have been inhibited from using the paths when tents appear, partly due to the sanitary/health issues particularly if I am walking one of my grandchildren and partly because I am</p>
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		<p>uncomfortable passing close to the tents and disturbing the occupants who are probably feeling bad about being down on their luck. I know that many others are similarly dissuaded and I am now probably one of the few local residents who walk some of these paths.</p> <p>I ask that you give serious consideration to this request. If you do not consider it appropriate to include the area in the PSPO I request that you advise me why it isn't considered appropriate</p> <p>A very modest amount of cutting paths through the area twice a year would greatly improve the amenity and would provide clear footpaths for people to follow which would mean the rich wildlife in this area could be enjoyed by residents without undue disturbance. Who am I best contacting about this?</p> <p>Yours faithfully M. G O'Donoghue</p>
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<p>11 08/09/19</p>	<p>Julia Barnes</p>	<p>I am responding to the PSPO consultation on behalf of Holme Pierrepont & Gamston Parish Council.</p> <p>Last summer during the hot weather a random camper pitched up at the Play Park on Ambleside, hanging washing in the trees etc We were assisted by the PSPO in place to get them moved away from the children's play park area.</p> <p>It was noted at the time that the other piece of open space owned by the Parish Council in the area, Gamston Village Hall grounds on Old Tollerton Road in Gamston Village, is not covered by the PSPO. We feel it would hugely benefit from being included.</p> <p>Please could we request that this piece of land is added to the current PSPO. Please could you let me know the process we need to follow.</p> <p>If you need any further information please do not hesitate to contact me.</p> <p>With kind regards and thanks in advance.</p> <p>Mrs Julia Barnes Parish Clerk</p>
<p>12 21/08/19</p>	<p>Cllr R Jones</p>	<p>Thanks. I have distributed this consultation to some local people. Personally I support the extension of the order and the locations. Just need the police to be aware when residents phone about ASB.</p> <p>Cllr Rod Jones</p>
<p>13 21/08/19</p>	<p>John Elwell</p>	<p>I support renewal of the PSPO. I believe that withdrawing it would send the wrong message.</p> <p>John Elwell</p>

<p>14 20/08/19</p>	<p>John Woodward</p>	<p>Please keep the rules in place street drinking increases anti social behaviour</p> <p>Thank you</p> <p>John Woodward</p>
<p>15 20/08/19</p>	<p>Sharon Holden</p>	<p>Although the article in West Bridgford Wire suggested that there has been no rise in incidents during the past three years, I would beg to differ. There seems to be an increase in beggars in West Bridgford particularly on Central Avenue, near West Bridgford Park and also on Melton Road occasionally. Having said that, there has also been an increase in littering in West Bridgford, again in Central Avenue and all the feeder roads that come off it. Some of this is linked to street drinking and begging, but also the lack of litter bins. Could we not have a litter bin near Marks & Spencer's street exit?</p> <p>On Sunday 18 August, there was a youngish man sitting outside Boots asking for money around lunchtime. My daughter felt so upset she asked if we could buy him something from Iceland to give him something to eat. It is rare to see anyone begging during the week as I believe the Public Space Protection Order is effective when enforced. Perhaps this is more of a problem as the enforcement isn't around in the evenings/overnight. Maybe a concerted effort or targeted weekends during the evening would be the best way forward. I personally find the begging a subtle form of aggression and, given the public availability of assistance in both the City and at the Friary, this should not be happening and will ultimately deter people from visiting or shopping in West Bridgford. The Council has recently spent money to increase footfall in Melton Road and this will be pointless if the begging and street drinking go unchecked.</p> <p>I wonder if the recent spate of vandalism, damage to public property and break-ins are linked to street drinking.</p> <p>Mrs Sharon Holden</p>

<p>16 21/08/19</p>	<p>William Brew</p>	<p>Regarding West Bridgford Public Space Protection Order Consultation.</p> <p>I have noticed in recent months there has been an increase in tramps begging, sleeping and drinking alcohol on both West Bridgford Avenue and more worryingly in Bridgford Park. In the park they are regularly sleeping on the benches or on the quieter grassy areas and openly drinking alcohol individually or in small groups.</p> <p>Bridgford Park never used to have this problem and I am concerned this is only getting worse. Not only is it starting to ruin the tranquillity of the park but also making it unsafe, especially for children playing.</p> <p>Here are just a few of my recent experiences in Bridgford Park.</p> <ul style="list-style-type: none">- I was sat on a bench eating my lunch and a drunk tramp sat right next to me and started smoking. Rather than just sit at the other end of the bench he deliberately sat touching me in an attempt to intimate me. When I asked him to move away he laughed at me and I was forced to leave.- On a sunny day when the park was particularly crowded a tramp was sleeping with all his belongings on one of the benches in front of the Registration Office. Completely ruining that area for people to be in.- On the weekend there was a group of tramps drinking on a bench on the other side of the park while the outdoor cinema was taking place. There was also a tramp sleeping right next to the tennis courts and I witnessed another tramp approach a family and ask for money. <p>I've noticed at the moment they are tending to stay near the quieter edges of the park but it's getting worse and they are starting to encroach more and more. It's a shame as I think the park is a brilliant public space and a lovely place to visit.</p> <p>The renewal of the PSPO will be a positive step but more needs to be done to ensure the homeless are not sleeping, begging and drinking alcohol around West Bridgford.</p> <p>Yours faithfully, William Brew</p>
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<p>17 20/9/2019</p>	<p>Mark Walker Group Manager – Trading Standards and Communities Nottinghamshire County Council</p>	<p>Thank you for the opportunity to respond to the consultation, on behalf of Nottinghamshire County Council.</p> <p>The County Council would support the renewal of the PSPO. When used sensibly and proportionately, the PSPO provisions offer useful additional tools to partners to deal with issues occurring within the restricted zone. The tools are swift and easy to use, and in the right circumstances, can deal with problems impacting on the public in a more effective and efficient manner than other options.</p> <p>Regards</p> <p>Mark</p> <p>Mark Walker Group Manager – Trading Standards and Communities Nottinghamshire County Council</p>
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Responses opposed to the renewal of the PSPO

Date Received	Name	Comment
<p>18 24/08/19</p>	<p>Kathy Topping</p>	<p>I can't believe that you are stating that you will issue fines to homeless people who have no or little money There are some parts of the proposal that I would agree with for instance urinating or defecating in a public place but I'm almost sure that the law already exists to deal with this already How are you going to police this . We cannot get a policeman to attend a burglary never mind such petty nonsense We need as s society to look at the causes of homelessness instead . It is abundantly clear that it is directly connecting to Tory government polices the reduction in community support in mental health , drug and alcohol services. I would be ashamed to live in an area that proposes such inhumane policies Regards Cathy Topping</p>
<p>19 25/08/19</p>	<p>Helen Foster</p>	<p>I'd like to comment on your proposed PSPO renewal.</p> <p>I think that when you renew it, you should not include outdoor sleeping in it. It isn't anti-social in itself and with homelessness becoming increasingly common could give already disadvantaged homeless people a criminal record so further disadvantaging them.</p> <p>The inclusion of sleeping outdoors in PSPOs doesn't solve the problem of rough sleeping either, it just moves the problem to neighbouring areas who will then be forced to deal with the real problem.</p> <p>I've lived in West Bridgford for 11 years and have never been affected adversely by anyone sleeping outside so I don't really see the purpose of including it.</p> <p>Thanks</p> <p>Helen Foster</p>
<p>20 24/08/19</p>	<p>Cllr P Gowland</p>	<p>Im responding to the consultation</p> <p>I do not believe it is appropriate for a council like Rushcliffe to be fining people for being homeless. It is morally unacceptable and it is bringing the council into disrepute.</p>

21 17/09/19	Tim Martin	I feel strongly that criminalising rough sleeping etc is entirely inappropriate. Resources should be provided to house and support such people rather than merely trying to drive them elsewhere
22 17/09/19	Rob Eagle	<p>'outdoor sleeping' is a term increasingly used by conservative councils which suggests strongly that such activity is purely a lifestyle choice, taking no account of the entrenched complexity of the lives of those trapped in this form of activity. It is not enough to claim that help was offered but was refused.</p> <p>Please stop using this term and return to using 'rough sleeping' a term which captures the reality, in terms of the impact on health and welfare, of street homelessness.</p>
23 20/09/19		<p>I.lberty BEN CONEY CRITCHLEY Trainee Solicitor I.lberty</p> <p>Summary of comment: lack of evidence, targeting based solely on being rough sleeper contrary to guidance, rough sleeping a symptom of poverty. The pspo is a blunt measure, intervention to article 8 of human rights, behaviours can already be dealt with by existing legislation eg Public Order Act 1986, Highways Act 1980. "Pspo contains inappropriate provision" renewal "would be wrong and potentially unlawful"</p>

Responses neutral to the renewal of the PSPO

24 27/8/2019	Stuart Taylor Environment Agency	<p>No comment on this order.</p> <p>Thanks</p> <p>Stuart Taylor</p>
25 20/8/2019	Sam Crawford, Friary Dropin Ltd	Many thanks indeed for the below email. I am keen to discuss the below with you if possible and wondered if there might be any potential to meet up with a representative from the Community Safety Team to do so? If a meeting is not feasible might a phone call be possible?

		<p>It's not the case that we are vehemently opposed to the below, I just thought that it might be an opportune moment to touch base and identify any pertinent developments since the PSPO's first inception in 2017.</p> <p>Many thanks again for sending this through and I do hope to be able to meet with you to discuss this.</p> <p>Sam Crawford Chief Executive</p>
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Informal Notices issued to tackle abandoned waste/litter.

17/18

Abandoned Camps:

The Hook X2
Wilford nature Reserve X2

18/19

Abandoned Camps:

The Hook x2
West Bridgford Park x1

Notice to leave:

Lady Bay Bridge x4

Bridgford Park x2

Notice to leave:

Lady Bay Bridge x5

County Hall x3

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EQUALITY IMPACT ASSESSMENT FORM

Name and brief description of proposal/project / policy / service being assessed:

Click once and type. Briefly summarise the service or proposal including key aims and any relevant context' note timescales for any planned changes' use plain language; refer to other document(s) if needed.

Public Space Protection Order (PSPO) Review 2019

On 2 February 2017 which controls the activities of street drinking and outdoor sleeping in key areas of West Bridgford and Edwalton. It is a requirement of the enabling legislation namely the Anti-Social Behaviour Crime and Policing Act 2014 to review the Order after the expiry of 3 years. It is RECOMMENDED that that the Communities Scrutiny Group endorse the proposal to extend the Public Space Protection Order to control street drinking and outdoor sleeping in the areas.

Information used to analyse the effects of equality:

In addition to working and consulting with community safety partners, ward members and other local stakeholders on the development of the proposal, the Council has also carried out a full public consultation. This was launched on 20th August 2019 and closed on 20th September 2019. Details of the reponses are provided within the appendices to the report.

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	Could particular benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	x		Will not specifically impact any particular ethnic group. PSPO intended to prevent anti-social behaviour and improve quality of life in the local community	
Men, women (including maternity/pregnancy impact), transgender people	x		See above	
Disabled people or carers		x	Mental health can contribute to outdoor sleeping	The Council has always recognised that persons sleeping outdoors need support rather

				than an enforcement approach and the Council works closely with partners including Framework to ensure this takes place. In addition the creation of the PSPO was also a guiding factor for the formation of the multiagency rough sleepers group to identify and discuss known individuals to attempt to address the root cause of their offending and to channel them into the most appropriate support networks.
People from different faith groups	x		See above	
Lesbian, gay or bisexual	x		See above	
Older or younger people	x		See above	
Other (marriage/civil partnership. Looked after children, cohesion/good relations, vulnerable children/adults)	x		See above	

OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT: *(delete as appropriate)*

No major change need ~~Adjust policy/proposal/project~~ ~~Adverse impact but continue~~ ~~Stop/remove project/policy/proposal~~

Arrangements for future monitoring of equality impact of this policy/proposal/project:
Note when assessment will be reviewed (e.g. review assessment in 6 months or annual review).

PSPO to be reviewed every 3 years

Names of officers who conducted EIA and date

Geoff Carpenter

Approved by:
(*manager signature*)



Date: 21/10/19

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Council

Thursday, 5 December 2019

Upper Broughton Neighbourhood Plan

Report of the Executive Manager – Communities

Portfolio Holder for Housing Councillor Roger Upton

1. Purpose of report

- 1.1. It was decided at Cabinet on 12 November 2019 that a referendum for the Upper Broughton Neighbourhood Plan should be held. The referendum will be held early next year on a date to be determined. The decision that has to be made is whether, subject to the result of the referendum in favour of using the Neighbourhood Plan, the Borough Council should 'make' (adopt) the Neighbourhood Plan.

2. Recommendation

It is RECOMMENDED that, subject to a majority vote on the referendum:

- a) the Council 'makes' (adopts) the Neighbourhood Plan; and
- b) authority be delegated to the Executive Manager – Communities to issue a statement setting out this decision as soon as possible following the referendum.

3. Reasons for Recommendation

- 3.1. The Borough Council, as Local Planning Authority, has a statutory duty to assist in the production of Neighbourhood Plans where communities wish to produce them under the Localism Act 2011.
- 3.1. It was decided at Cabinet on 12 November 2019 that, in accordance with relevant regulations, a referendum should be held for the Upper Broughton Neighbourhood Plan. Cabinet was the decision taker in this instance because the decision as to whether or not the Plan should proceed to referendum had, in accordance with regulatory requirements, to be taken within five weeks of receiving the report of the Neighbourhood Plan Examiner on 14 October 2019.
- 3.2. The purpose of the referendum will be to ask voters whether the Neighbourhood Plan should be used to help decide planning applications in Upper Broughton Parish. If there is a majority vote in favour of this proposal

then the Borough Council would be required, subject to certain prescribed criteria, to make the Neighbourhood Plan part of the statutory development plan.

4. Supporting Information

- 4.1. The Upper Broughton Neighbourhood Plan has been produced by Upper Broughton Parish Council, in conjunction with the local community. It was submitted to the Borough Council in March 2019 and contains a number of policies which would form part of the statutory development plan and be applied in the determination of planning applications. The Borough Council was required by legislation to assess whether the Plan and its policies met certain criteria (the 'Basic Conditions' and other legal requirements).
- 4.2. In order to assist in this process, the Borough Council was required to invite representations on the Plan and appoint an independent Examiner to review whether the Plan meets the Basic Conditions and other legal requirements. The submitted Plan was publicised and representations were invited from the public and other stakeholders, with the period for representations closing on 7 June 2019. The Plan has been assessed by an independent Examiner and, on 14 October 2019, he published his report which concluded that, subject to the modifications proposed in his report, the Plan should proceed to referendum. The Examiner's report is available as a background document.
- 4.3. The Examiner's report was considered by Cabinet on 12 November 2019. Cabinet decided that the Plan, incorporating the Examiner's recommended modifications, meets the 'Basic Conditions' and other regulatory requirements and therefore that a referendum should be held to determine whether residents of Upper Broughton parish support the Plan and whether it should become part of the statutory development plan. The Plan, incorporating the Examiner's recommended modifications, and a decision statement, which was published by the Borough Council following Cabinet's decision for a referendum to take place, are both available as background documents.
- 4.4. The referendum will be held early next year on a date to be determined. It will follow a similar format to an election. All electors registered to vote and eligible to vote in local government elections within the neighbourhood area (the parish of Upper Broughton) will be given the opportunity to vote in the referendum. In accordance with regulatory requirements, the ballot paper would have the following question: *'Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for Upper Broughton to help it decide planning applications in the neighbourhood area?'* Voters would be given the opportunity to vote 'yes' or 'no'.
- 4.5. If more than 50% of those voting in the referendum vote 'yes', then the Borough Council is required to make the Neighbourhood Plan part of the statutory development plan for Rushcliffe, subject to certain prescribed criteria. A statement setting out this decision would need to be published by the Council following the referendum. If the result of the referendum is 'no',

then nothing further happens. The Parish Council would then have to decide what it wishes to do.

- 4.6. If the Neighbourhood Plan is made part of the development plan then planning applications would then have to be determined in accordance with both the Rushcliffe Local Plan and the Upper Broughton Neighbourhood Plan, unless material considerations indicate otherwise.

5. Alternative options considered and reasons for rejection

- 5.1. It is a legal requirement under section 61E(4)(b) of the Town and Country Planning Act 1990 (as amended) that if more than half of those voting in the referendum vote in favour of the Neighbourhood Plan then the Borough Council must make it part of the statutory development plan for Rushcliffe. To not follow these legislative requirements would lead the Borough Council open to legal challenge.

6. Risks and Uncertainties

- 6.1. To not follow the legislation and regulations correctly would expose the Borough Council to legal challenge. The circumstances whereby a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N.

7. Implications

7.1. Financial Implications

- 7.1.1 Once the date for the referendum is set, £20,000 can be claimed from the Ministry of Housing, Communities, and Local Government. This financial support ensures that local planning authorities receive sufficient funding to enable them to meet their legislative duties in respect of neighbourhood planning. These duties include provision of advice and assistance, holding the examination and making arrangements for the referendum.

7.2. Legal Implications

- 7.2.1 The Neighbourhood Plan, as proposed, is considered to meet the Basic Conditions which are set out in law at Schedule 4B of the Town and Country Planning Act 1990 (as amended). This is the view taken by the Examiner, as confirmed in his report. It is also considered that the Neighbourhood Plan meets all of the relevant legal and procedural requirements. To not comply with the legislation and regulations correctly would expose the Borough Council to legal challenge. The circumstances whereby a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N.

7.3. Equalities Implications

7.3.1 There are considered to be no particular equality implications that need addressing from matters arising from this report.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

7.4.1 There are no direct community safety implications arising from matters covered in this report.

8. Link to Corporate Priorities

Quality of Life	The Neighbourhood Plan's vision seeks ensure that future development makes the parish a stronger more vibrant community with enhanced environmental impact and better provision of economic, whilst maintaining the 'special feel' of a characterful, small semi-rural village.
Efficient Services	A key part of the Neighbourhood Plan's vision is the retention of local services and facilities.
Sustainable Growth	The adoption of the Neighbourhood Plan will help support the Borough Council's corporate priority for sustainable growth, including supporting others to deliver what our community needs to grow in a sustainable way.
The Environment	The Neighbourhood Plan includes a number of policies aimed at protecting the environment from inappropriate development.

9. Recommendations

It is RECOMMENDED that, subject to a majority vote on the referendum:

- a) the Council 'makes' (adopts) the Neighbourhood Plan; and
- b) authority be delegated to the Executive Manager – Communities to issue a statement setting out this decision as soon as possible following the referendum.

For more information contact:	Richard Mapletoft Planning Policy Manager Tel: 0115 9148457 rmapletoft@rushcliffe.gov.uk
Background papers available for Inspection:	<p>Electronic copies of the documents relating to the draft Upper Broughton Neighbourhood Plan and its examination can be found at: https://www.rushcliffe.gov.uk/planningpolicy/neighbourhoodplanning/#d.en.42681</p> <p>Examiner’s Report for the Upper Broughton Neighbourhood Development Plan https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/upperbroughton/Upper%20Broughton%20NP%20Report%20Final%20141019.pdf</p> <p>Upper Broughton Neighbourhood Plan Decision Statement, 13 November 2019 https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/upperbroughton/Decision%20Statement.pdf</p> <p>Appendix 3 (Illustration of Proposed Modifications to the Upper Broughton Neighbourhood Plan 2011 – 2028) to the Upper Broughton Neighbourhood Plan Cabinet Report, 12 November 2019: https://democracy.rushcliffe.gov.uk/documents/s5894/Enc.%203%20for%20Upper%20Broughton.pdf</p>
List of appendices:	None.

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Council

Thursday, 5 December 2019

Temporary Co-Option to Parish Councils

Report of the Monitoring Officer

**Cabinet Portfolio Holder for Strategic and Borough Wide Leadership
Councillor S Robinson**

1. Purpose of report

- 1.1. This report summarises and recommends the procedure to be adopted where a Parish Council is unable to function due insufficient occupation of seats to facilitate quorate meetings.
- 1.2. This report also details action taken by the Monitoring Officer, and agreed by the Chief Executive, to support Widmerpool Parish Council which was unable to function due to it having insufficient members to hold quorate meetings.

2. Recommendation

It is RECOMMENDED that Council:

- a) Notes the action taken by the Monitoring Officer in respect of Widmerpool Parish Council;
- b) Considers and approves the process set out in paragraph 3.5 to be adopted for temporary co-option to Parish Councils in similar circumstances.

3. Reasons for Recommendation

- 3.1. Widmerpool Parish Council contacted Rushcliffe Borough Council as Principal Authority requesting advice regarding the temporary appointment of a member to the Parish Council. Widmerpool Parish Council comprises of a maximum of seven members. Three of the seven member seats were occupied ensuring quorate meetings. However, one member has been unable to attend meetings due to health reasons and whilst that member is away the Parish Council is unable to function as without the member meetings are not quorate.
- 3.2. Section 91 of the Local Government Act 1972 provides as follows:

(1) Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the Borough council [or Welsh principal council] may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

(2) In the case of a common parish council under which are grouped, by virtue of [section 11\(5\)](#) above, parishes situated in different Boroughs, the reference in subsection (1) above to the Borough council shall be construed as a reference to the council of the Borough in which there is the greater number of local government electors for the parishes in the group.

(3) Two copies of every order made under this section shall be sent to the Secretary of State.

- 3.3. The Council's constitution contains a provision for the Monitoring Officer to make any determination, serve any notice or make an order under statutory provisions.
- 3.4. In accordance with the aforementioned statutory provisions the Monitoring Officer sought support from Borough Councillors to temporarily fill one of the vacant seats in accordance with Section 91 of the Local Government Act 1972. Councillor A Edyvean has offered to act as a temporary appointment to support the filling of one of the vacant seats pending permanent co-option. Councillor Edyvean's appointment has been confirmed by notice served on the Secretary of State. The appointment is temporary and shall lapse on the 30 November 2019 following the Parish Meeting in November 2019 wherein it is proposed that Members shall be co-opted to the vacant seats.
- 3.5. It is recommended that the procedure adopted in respect of Widmerpool Parish Council be adopted as the approach to be taken where temporary co-option is required to support the operation of Parish Councils. In the first instance the Monitoring Officer shall approach the Ward Councillor(s) to act as temporary co-optee. Where a Ward Councillor is unable to so act, the Monitoring Officer shall invite all Borough Councillors to indicate a willingness to act. A Councillor from the closest neighbouring ward who is not also a Parish Councillor shall then be appointed as temporary co-optee. The Monitoring Officer will thereafter file the appropriate notice in accordance with the Local Government Act 1972.

4. Supporting Information

- 4.1 The difficulties encountered by the Parish required the Borough Council to act in accordance with the provisions of the Local Government Act 1972. In doing so the Borough Council has been able to support the Parish to continue in its operation and support the local community.

5. Alternative options considered and reasons for rejection

- 5.1 No alternative options have been considered as the provision confirming the process is set out within the Local Government Act 1972.

6. Risks and uncertainties

- 6.1 Should the Council choose not to act in accordance with the Local Government Act 1972 and adopt the recommendation, Parish Councils finding themselves in a similar position to Widmerpool Parish shall be frustrated from operating therefore negatively impacting on the local community.

7. Implications

7.1 Financial implications

- 7.1.1 There are no financial implications to adopting the procedure set out in the report.

7.2 Legal implications

- 7.2.1 There are no legal implications to adopting the procedure set out herein. The procedure supports and complies with the requirements of the Local Government Act 1972.

7.3 Equalities implications

- 7.3.1 There are no equalities implications.

7.4 Section 17 of the Crime and Disorder Act 1998 implications

- 7.4.1 There are no Section 17 implications to adopting the procedure set out herein.

8. Link to Corporate Priorities

Quality of Life	Formalising this procedure will ensure Parish Councils with fewer than the necessary number of Councillors at any given time can continue to operate to benefit their local communities.
Efficient Services	No links
Sustainable Growth	No links
The Environment	No links

9. Recommendations

It is RECOMMENDED that Council:

- a) Notes the action taken by the Monitoring Officer in respect of Widmerpool Parish Council;
- b) Considers and approves the process set out in paragraph 3.5 to be adopted for temporary co-option to Parish Councils in similar circumstances.

For more information contact:	Sanjit Sull Monitoring Officer 0115 9148215 ssull@rushcliffe.gov.uk
Background papers available for Inspection:	None.
List of appendices:	None.