

**MINUTES
OF THE MEETING OF THE
CABINET
TUESDAY, 10 OCTOBER 2023**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena,
Rugby Road, West Bridgford
and live streamed on Rushcliffe Borough Council's YouTube channel

PRESENT:

Councillors A Brennan (Vice-Chair), R Inglis, R Upton, D Viridi and J Wheeler

ALSO IN ATTENDANCE:

Councillors R Bird, N Regan and L Way

OFFICERS IN ATTENDANCE:

L Ashmore	Director of Development and Economic Growth
D Banks	Director of Neighbourhoods
G Dennis	Monitoring Officer
P Linfield	Director of Finance and Corporate Services
K Marriott	Chief Executive
H Tambini	Democratic Services Manager

APOLOGIES:

Councillor N Clarke

26 Declarations of Interest

There were no declarations of interest made.

27 Minutes of the Meeting held on 12 September 2023

The minutes of the meeting held on Tuesday, 12 September 2023 were agreed as a true record and signed by the Vice-Chair.

28 Citizens' Questions

There were no citizens' questions.

29 Opposition Group Leaders' Questions

Question from Councillor Way, on behalf of the Leake Independent Group to Councillor Upton.

"There are several issues in the Tree Management and Protection Policy that we believe need further discussion, including:

- The contribution non-native species can make to the character and ambience of a Conservation area.

- Possible benefits of planting non-native trees at a time when important native species are subject to pests and diseases and facing the impact of climate change.
- The need to protect trees and hedges on future development sites which we often see brutally cleared before the application is submitted.
- The need to increase protection for the area around existing trees from development, as this policy change would increase the threat of trees near new buildings being felled in future.
- The possibility of non-native trees being increasingly planted in preference to native to avoid TPOs.

Does Cabinet agree that this Policy should now come before scrutiny or Council for debate before adoption?"

Councillor Upton thanked Councillor Way for her question and said that he would refer to the five points rather than just the question. In the Council's points-based assessment, only one point out of a possible 16 could be deducted for a non-native tree in a conservation area, so that was unlikely to be a determining issue. The Policy sought to secure the right tree in the right place, with it further supported by the Local Plan, which took into consideration future climate change and disease. The preservation of existing trees and hedges was considered closely in relation to detailed planning applications, and wherever possible, early intervention occurred to protect them; however, this could be challenging before a possible application was known about. British Standard 5837:2012 provided advice on the space required around trees to prevent harm both during construction and afterwards, and it was unclear why the Policy would increase the threat of trees close to new buildings being felled in the future. The Policy allowed for non-native trees to be protected in conservation areas. Councillor Upton referred to his report later on the agenda, which proposed the adoption of the revised Tree Management and Protection Policy and felt that given the Policy's importance, it would be inappropriate to delay its adoption. He noted that the Growth and Development Scrutiny Group had not asked for this issue to be referred back; however, if considered appropriate, a further review could be undertaken in the future.

Councillor Way asked a supplementary question to Councillor Upton.

"It appears that the Policy will be approved by five people out of 44 members of the Council, so do Cabinet members feel that this Policy has been thoroughly examined, and was it reasonable to remove the opportunity for Council to comment, debate and vote in a democratic manner?"

Councillor Upton responded by confirming that he had every faith in the scrutiny process and procedures that had been followed.

30 **LGA Corporate Peer Challenge**

The Cabinet Portfolio Holder for Business and Growth, Councillor Brennan presented the report of the Chief Executive, which outlined the purpose and scope of the Local Government Association (LGA) Corporate Peer Challenge (CPC), due to take place from 15 – 18 January 2024.

Councillor Brennan advised that the CPC was part of the LGA sector support programme, which provided 'peers' from the local government network who offered supportive, friendly, but critical advice to the Council and its work. Cabinet noted the obligations that would be placed on the Council as part of the process and was reminded that the CPC was considered to be a valuable tool, by providing expert advice to help identify areas for improvement and help the Council to continue to deliver high quality services. Councillor Brennan stated that the process was set out in Paragraph 4 of the report, with details of the likely membership of the team highlighted in Paragraph 4.3, together with details of the six core themes that would be covered in Paragraph 4.4. Councillor Brennan stated that at the end of the visit, Councillors and officers would receive a presentation, with a report to follow, which the Council had to commit to publish, together with a detailed action plan, with a report back to Cabinet, as referred to in Paragraph 4.6. Councillor Brennan concluded by advising that this was designed to be a helpful and supportive process, whilst offering robust challenge and independent advice.

In seconding the recommendation, Councillor J Wheeler welcomed this outside scrutiny, as although it was known that Rushcliffe was run very effectively, it was always good to have advice and feedback and for the Council to be challenged, to ensure that it was on the correct course.

Councillor Upton noted that it had been six years since the last CPC, echoed the comments made by Councillor Wheeler, and stated that it was best practice to seek advice from people outside of the Council as a critical friend.

It was RESOLVED that:

- a) the content of the report, outlining the Council's participation in a Corporate Peer Challenge be noted;
- b) Cabinet commits to meeting the obligations, as set out in paragraph 4.6 of the report; and
- c) A report be brought back to Cabinet, following the conclusion of the Corporate Peer Challenge, which sets out the findings, recommendations and resulting action plan.

31 Adoption of Tree Management and Protection Policy 2023-2028

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton presented the report of the Director – Development and Economic Growth, which outlined proposals to adopt the revised Tree Management and Protection Policy 2023 – 2028.

Councillor Upton referred to the immense importance of and benefits from trees, including the key contribution they made to the character of the Borough, whilst confirming that Rushcliffe had the lowest tree cover of any district or borough in the county, hence the need to be proactive. Councillor Upton advised that the Policy provided guidance on how the Council would manage its own trees, respond to requests for work from the public, and how it dealt

with its statutory duties. The Policy also contained a revision to the Council's points-based assessment, for the making of a Tree Preservation Order (TPO). Councillor Upton advised that legislation covering TPOs allowed for significant discretion, and officers used the points-based assessment, detailed in Paragraphs 4.4 and 4.5 of the report during that process. Cabinet noted that the Policy had been considered by the Growth and Development Scrutiny Group, when it had recommended that greater consideration be given to the wildlife value of trees, and that had been incorporated into the revised Policy. Paragraphs 4.5 and 4.6 referred to native and non-native trees, and Councillor Upton suggested that this issue might need to be considered during the next revision in 2028. Cabinet was advised that the Policy was split into two sections, with the first covering the management of Council owned trees, as detailed in Paragraph 4.1, and the second covering the Council's statutory duties as detailed on Paragraph 4.2.

In seconding the recommendation, Councillor Inglis reiterated the comments made by Councillor Upton regarding the importance of trees and the need to ensure that the Borough's deficit was addressed, as could be seen with the fantastic take up of the Free Tree Scheme in recent years. Councillor Inglis thanked the Growth and Development Scrutiny Group and officers for their hard work in drafting the document, which he felt would enhance protection to existing trees and wildlife. Councillor Inglis referred to the recent national outcry over the felling of the Sycamore Gap tree, and stated that such passion was required, as trees needed protection now and for future generations.

Councillor Brennan referred to the popularity of the Free Tree Scheme, and that despite the Borough being very rural and green, it had a surprisingly low level of tree cover. She thanked everyone involved in drafting the very readable document and felt that everyone would agree that trees were very important.

It was RESOLVED that:

- a) adoption of the Tree Management and Protection Policy 2023-2028 be approved; and
- b) the use of the amended Conservation Area Tree Notification and Tree Preservation Order evaluation sheet be approved.

32 UKSPF and REPF Proposed Grant Pots 2024/25

The Cabinet Portfolio Holder for Business and Growth, Councillor Brennan presented the report of the Director – Development and Economic Growth, which provided an update on the UK Shared prosperity Funding (UKSPF) and the Rural England Prosperity Funding (REPF) proposed grant pots for 2024/25.

Councillor Brennan advised that the report set out the proposed framework for funding allocations for the third and currently final round of UKSPF and REPF. Cabinet was advised that the report set out the background to the funds, which were in support of the Government's Levelling Up agenda and to a degree replaced the European Structure Investment Funds. The report also detailed the lessons learned from the first two rounds of bidding from the Council's

directly commissioned projects, together with feedback from both successful and unsuccessful bidders into the Open Grant Pot. The report recommended that a new grant pot be created and opened in November 2023, with successful projects starting in April 2024. Councillor Brennan advised that the 2022-23 pot had been very oversubscribed, which demonstrated a clear need for those funds, and the lessons learned were detailed in Paragraph 4 of the report. Reference was made to Paragraph 4.6, which set out the financial allocation for the year, that Government had weighted to year three, with just over £2m available, including some jointly commissioned work with other local authorities to support local businesses across the county. Councillor Brennan stated that the allocations across the themes were agreed in the Investment Plan, submitted to Government, although there was scope to move up to 30% of funds to reflect local need. Paragraph 4.11 set out the available funds for the Communities Grant Pot, with the UKSPF and REPF combined for larger interventions, with a formal bidding round. A smaller grant pot would be open from April 2024, on a first come first served basis for projects below £5k. Councillor Brennan referred to the plans and funds available for the Business Support Grant Pot, highlighted in Paragraph 4.15, which again suggested the formation of a smaller pot for high street businesses, also to be allocated on a first come basis, with the timeline for bidding outlined in Paragraph 4.17. Cabinet was advised that in addition to the grant pot, the Council would directly commission projects, including under a new year three People and Skills Priority, with a report back to Cabinet in January 2024, setting out allocation proposals for that. Councillor Brennan concluded by referring to the popularity of the initiative, referred to the significant work for officers in ensuring due diligence in the process and supporting applicants, both successful and unsuccessful, and advised that in many cases, applicants had only been unsuccessful, as the funds had been oversubscribed.

In seconding the recommendation, Councillor Viridi reiterated the importance of continuing to support and provide opportunities to local businesses and community groups, with both funds providing a great avenue for that. Councillor Viridi endorsed the suggested processes, and after taking into account issues from the previous bidding rounds, the recommendation to have two pots making them more accessible. Councillor Viridi thought that the grant application process needed to be easier to understand and provide more clarity on where potential project and business applications could come from and considered that the proposals addressed those concerns.

Councillor Upton considered this scheme to be far more effective at providing funding than the previous European Union scheme and he welcomed that.

Councillor J Wheeler praised the Council for being proactive and hoped going forward that more business and community groups would benefit.

Councillor Brennan reiterated that this had involved a great deal of work for officers, with many successful projects delivered in the first two years, and it was anticipated that with this further funding, more excellent projects, both large and small would come forward.

It was RESOLVED that:

- a) the proposals as outlined in the report for UKSPF and REPF grant pots be supported;
- b) a further report be requested to Cabinet in early 2024, outlining proposals for the remaining UKSPF to be spent in 2024/25; and
- c) sign off of grant awards and reallocation of grant funding between priorities (Business Support and Communities and Place) for UKSPF and REPF be delegated to the S151 Officer and Director – Development and Economic Growth, in consultation with the Cabinet Portfolio Holder for Business and Growth, following officer recommendations based on assessment and moderation.

33 Assigning Strategic Significance for Biodiversity Net Gain Assessments

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton presented the report of the Director – Neighbourhoods, which outlined proposals for assessing strategic significance under Biodiversity Net Gain (BNG).

Councillor Upton advised that the report proposed a methodology to comply with the implementation of BNG requirements, as set out in the Environment Act 2021, expected to come into force in January 2024. Councillor Upton stated that the BNG significance of a site needed to be determined by the Council's local strategies and policies, as it would be fundamental to assessing planning applications. Cabinet was advised that BNG was a method of contributing to the recovery of nature, whilst developing land, to try and ensure that wildlife habitat was in a better position than before any development occurred, with a minimum of 10% BNG required in most cases. Councillor Upton confirmed that the Government had published a spreadsheet for Council's to show the baseline Biodiversity value before any development and the expected value after, with a different multiplier depending on the strategic significance of the site. Paragraph 4.5 of the report provided details of the site criteria and associated multipliers, with Paragraph 4.6 listing four types of site, which were regarded as being strategically significant, and Councillor Upton stated that if an application site was adjacent to one of the four types of site, points would be added to the spreadsheet and given a score. Councillor Upton concluded by confirming that the proposals had been considered and endorsed by the Growth and Development Scrutiny Group in July.

In seconding the recommendation, Councillor Inglis stated that BNG could be a means to safeguard wildlife and its habitation, which would be afforded a better state than it had been before development took place, with in most cases a minimum of 10% required, which would be a positive step. Cabinet was reminded that this was a requirement of the Environment Act 2021, and it would enable the Council to proactively influence BNG delivery within the Borough.

Councillor Brennan stated that even if this was not a legal requirement, it was important that the Council did everything it could to try and mitigate the effects

of increased development and enhance the natural environment.

It was RESOLVED that the proposals for assessing strategic significance under Biodiversity Net Gain be approved.

34 **Rushcliffe Borough Council 50 Years Anniversary Plans**

The Cabinet Portfolio Holder for Business and Growth, Councillor Brennan presented the report of the Director – Neighbourhoods, which outlined anniversary plans to commemorate the 50 year formation of Rushcliffe Borough Council in 1974.

Councillor Brennan gave a brief overview of the establishment of the Borough Council as detailed in the report and advised that to mark that anniversary, the Council would be delivering a number of projects to recognise the contribution of the Council to local, regional and national government, and to celebrate key events and individuals who had given their time to make a difference in their communities. Councillor Brennan referred to the proposed plans, highlighted in Paragraph 4 of the report, including displays at the Arena, which would be supported by wider communications, with all promotional material using the rebranded Rushcliffe logo in shimmering gold. Councillor Brennan confirmed that the display materials used at the Arena could also be taken out around the Borough if that was requested. Cabinet noted that the existing events programme would incorporate this celebration and it would be delivered within existing resource as detailed in the report.

In seconding the recommendation, Councillor J Wheeler stated that it was important to recognise and celebrate such milestones and to take the opportunity to inform residents about what the Council did and its history.

It was RESOLVED that proposals to undertake a series of initiatives to commemorate the past 50 years be approved.

The meeting closed at 7.38 pm.

CHAIR