

**MINUTES**  
**OF THE MEETING OF THE**  
**COMMUNITIES SCRUTINY GROUP**  
**THURSDAY, 5 OCTOBER 2023**

Held at 6.00pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West  
Bridgford

and live streamed on [Rushcliffe Borough Council's YouTube channel](#)

**PRESENT:**

Councillors G Williams (Chair), L Plant (Vice-Chair), J Billin, R Mallender, H Parekh, A Phillips, D Polenta, T Wells, and G Wheeler

**ALSO IN ATTENDANCE:**

R Erwin-Jones

Canal and River Trust

**OFFICERS IN ATTENDANCE:**

D Banks

Director of Neighbourhoods

D Burch

Service Manager - Neighbourhoods

D Hayden

Community Development Manager

Paul Phillips

Environmental Sustainability Officer

Donna Dwyer

Strategic Housing Manager

Caroline McCaffrey

Environmental Health Officer

E Richardson

Democratic Services Officer

**APOLOGIES:**

Councillors M Barney, S Ellis and G Fletcher

**6 Declarations of Interest**

There were no declarations on interest.

**7 Minutes of the Meeting held on 20 July 2023**

The minutes of the meeting held on 20 July 2023 were agreed as an accurate record and were signed by the Chair.

**8 Review of Canal and Rivers Trust Partnership Funding**

Mr Erwin-Jones presented an overview of the geographical area and work of the Canal and River Trust Partnership (CRT). He explained that in 2003 the Council signed a twenty year service level agreement with British Waterway's (which became the Canal and River Trust charity in 2012) which set out that they would maintain access for Rushcliffe residents to Grantham Canal and that they would manage grass cutting, hedges, towpaths and access points. He explained that the agreement did not cover managing water levels and water loss from the canal. He added that the CRT had also received £27k in UKSPF funding from the Council in 2023 for reed clearance work on the canal.

Mr Erwin-Jones took the Group through the various types of work and associated costs that the CRT undertook, including towpath management, hedge management, reed management, operation management, wellbeing activities, education and infrastructure management. He said that in 2023 Defra announced that there would be £300m of cuts to the charity's future grant, which formed about a quarter of its overall budget.

Mr Erwin-Jones said that the CRT's current agreement with the Council expired in 2024 and he suggested four possible options that the Group may wish to consider for a future agreement:

- End the agreement – no cost
- Maintain current levels - £48,265
- Enhanced Environmental Management - £78, 265
- Enhanced Environmental Management, Wellbeing Activities and Education and events - £110,365

The Community Development Manager said that the recommendation from the Group would be taken forward through the Council's budget workshop process.

Councillor Phillips said that the canal was well used by a wide section of the community and he noted the positive difference in funded maintenance of the canal in Rushcliffe compared to when it moved into Leicestershire.

Members of the Group referred to the barriers along the canal. Mr Erwin-Jones confirmed that maintenance of them was covered by the current funding. In relation to accessibility, he noted that they can cause difficulty for cyclists and said that they had been removed in some areas, but that consultation was required before doing as there could be risks involved.

Members of the Group referred to the wellbeing activities and Mr Erwin-Jones confirmed that these did not currently form part of Rushcliffe's agreement although some had been held in Rushcliffe at Holme Pierrepont and had included some Rushcliffe residents and volunteers. He said that it was possible to carry out water based and other activities on parts of the canal and also on the river Trent.

In relation to how much input the Council could have into shaping wellbeing activities and social prescribing, Mr Erwin-Jones, said that some areas had a dedicated community groups officers who worked with local organisations and community groups to tailor packages to local need. The Community Development Manager added that the Council had the Reach Rushcliffe fund which could be used to pump prime a range of social isolation projects across the Borough, to the value of approximately £2k.

The Chair asked about the UKSPF funded reed clearance works. The Group was informed that this was a one-off pot of funding to cover reed clearance in specific areas of the canal but that ongoing clearance would require a reed clearance management plan.

The Community Development Manager said the four options offered covered three areas of delivery, being ecology and diversity, access and active travel, protection and heritage of the canal and education and activities. The

explained that the current agreement covered access and active travel opportunities and that this would need to be reduced if the Group wished to include other options at current funding levels.

In relation to water, Councillor R Mallender said that there was community support for the CRT to have an active role in keeping the canal in water. The Environmental Sustainability Officer said that whilst some of the enhanced programme of works would support water retention, such as through reed clearance, to make a significant difference would require separate culvert repairs at approximately £100k per culvert.

The Chair asked for Members of the Group to vote on which of the four options they would prefer, with the majority vote being for 'Enhanced Environmental Management at £78, 265', and confirmed that this would be reported into the Council's budget setting process.

It was **RESOLVED** that Communities Scrutiny Group:

- a) received a summary presentation of the work that has been undertaken by the Council in partnership with the Canal and River Trust (CRT)
- b) made comment on the strategic ambitions of the CRT for any future Service Level Agreement and the associated funding required for this work.

## 9 **Social Housing Models**

The Strategic Housing Manager presented the Social Housing Models report, which set out the Council's approved policy and operational framework for the provision of affordable housing, the different delivery models and the current approach to meet housing need.

The Strategic Housing Manager provided an explanation of the definition of affordable housing, which included affordable housing for rent and affordable housing for sale. She said that in 2003 the Council had transferred its housing stock to Metropolitan Housing Thames Valley who were currently the largest registered housing provider in the Borough, of approximately 15 in total. She said that the Council was responsible for managing the allocation of social rented housing in the Borough which it did through the housing register.

The Strategic Housing Manager confirmed that the Council did not own any housing stock nor run a Housing Revenue Account (HRA) and said that most councils who provided council housing stock usually also operated an HRA. Current regulation allowed councils to own up to 200 dwellings without the need to open an HRA and she said that factors supporting a council house building programme usually included; where there was exceptional housing need, and the resultant temporary accommodation costs were a big financial drain, where delivery by existing registered providers was limited, where the council had land assets, where it wished to develop bespoke housing and where it had funds which it wished to invest in affordable housing. She said that council owned housing stock was subject to right to buy.

The Group were informed that the Council had an affordable housing capital budget of £4.5m, the majority of which was a commuted sum from large site developments. The Strategic Housing Manager said that as the council did not have any land to build on, it allocated the funds through the work of its registered housing partners in identifying and acquiring sites either on the open market or through their own land assets and that the Council provided the grant funding to them to develop affordable housing. She said that without land assets the Council was dependent on the cooperation of third parties who had access to land, or developers who undertook housing developments in the Borough.

In relation to housing need, the Strategic Housing Manager explained that the Council's current housing assessment was carried out in 2022 as part of the Local Plans process and identified an unmet need for 294 affordable rented dwellings per year. She said that the total percentage of affordable housing of new completions was 25%

In relation to specialist housing needs, the Strategic Housing Manager explained that provision required both capital and revenue funding and as such Nottinghamshire County Council played a significant role in commissioning support for vulnerable residents.

The Strategic Housing Manager said that there were time limits on the allocation of some commuted sums and that if not allocated within that period they may need to be returned to the original party. The complexity and resources required to set up a council affordable housing build programme were also considered to be prohibitive.

Members of the Group asked about the number of affordable rented properties and the Strategic Housing Manager explained that if a development site delivered 30% affordable housing, of that, 60% would be rented, with a further split between social and affordable rented units. She said that the Council was also now looking to cap affordable rent at local housing allowance levels within S106 agreements.

Members of the Group referred to affordable housing viability issues on development sites and the Strategic Housing Manager said that these were complex and the Council would seek independent review of the feasibility assessment and would also discuss using the ringfenced £4.5m funds to make up shortfalls. The Director Neighbourhoods confirmed that the intervention of the Council generally secured an increase in the number of affordable housing units.

In relation to using the £4.5m funding towards adaptable housing on development sites, the Strategic Housing Manager confirmed that the Council would seek to support adapted provision, including ensuring that older persons' accommodation developments included level access showers. She said that whilst the Council currently sought to achieve 1% of developments of more than 100 dwellings complying with building regulation requirements M4, it was looking at increasing that figure. She that all of this helped relieve pressure on the disabled facilities grant funds

The Group referred to exceptions to the right to buy option, such as for adapted houses for older people and asked whether the Council could build this type of accommodation. The Strategic Housing Manager said that this provision would require the Council having land to build on and would also necessitate setting up a maintenance and management company. She said that the Council focussed on utilising the development sites being delivered in the Borough to deliver that provision.

Councillor Polenta asked for more information about the demand and supply of social housing in the Borough, including affordable housing costs in relation to income levels and the Strategic Housing Manager said that she would provide an update to the Group.

In relation to empty homes in the Borough, the Director of Neighbourhoods advised that there were currently 900 empty homes, with 425 of those empty for 6 months or longer. He said that the Council had an Empty Homes Strategy which was published on its website.

Members of the Group referred to costs associated with shared ownership and thought that it could sometimes cost more than the cost of buying 100% of a property. The Strategic Housing Manager said that part of the affordability was enabling people who wouldn't qualify for a mortgage to buy 100% of a property to gain a mortgage enabling them to buy a percentage. She said that it was based on a formula and model set by Government.

Member of the Group asked about registered providers in the Borough. The Strategic Housing Manager said appointment was through a competitive bid process run by the developer. Whilst the Council was not involved in that process it did require that the housing provider have a local management presence. In relation to complaints from residents living in registered provider accommodation, the Strategic Housing Manager said that whilst the Council was not directly involved in that process it had close working relationships with other stakeholders, such as the police. The Director for Neighbourhoods confirmed that the Council participated in the local Anti-social Behaviour group and could bring to bear a wide range of controls to manage anti-social behaviour. In relation to residents needing to temporarily move into alternative accommodation whilst repairs or adaptations were made to their home, the Strategic Housing Manager said this was managed by the housing provider and not the Council.

The Strategic Housing Manager said that she would circulate a list of the registered housing providers in the Borough to the Group.

It was **RESOLVED** that the Communities Scrutiny Group scrutinises the information provided by officers on the Council's current approach to the provision of social housing.

## 10 **Smoke Control Areas in the Borough**

The Director for Neighbourhoods presented the Smoke Controls Areas report and said that it provided opportunity for Members to input and shape a public consultation on revised smoke control orders within the Borough.

The Environmental Health Officer explained that smoke control areas were first introduced as part of the 1956 Clean Air Act and that Rushcliffe had had smoke control areas in place since the 1970s. She said that whilst legislation had had an impact on air quality, it continued to pose the biggest environmental risk to public health. She said that it contributed to a wide range of detrimental health and neurological impacts, with the Chief Medical Officer stating in 2022 that the mortality burden of air pollution within England stood at between 26,000 and 38,000 lives per year.

The Environmental Health Officer said that evidence suggested that the main contributor to health impact was associated with fine particulate matter (PM2.5) and that in 2021 domestic combustion contributed approximately 27% of PM2.5 emissions.

The Environmental Health Officer referred to the Government Clean Air Strategy which set out the framework for local authorities to improve air quality, including through review of smoke control areas. She explained that the Council had signed up to the Nottinghamshire Clean Air Strategy and also had its own Clean Air Strategy Action Plan.

Within a smoke control area, the Environmental Health Officer said that a number of rules applied, such as that smoke could not be released from a chimney and that only authorised fuel could be burned and only a Defra approved appliance could be used. She said the guidance applied to chimneys of buildings and under roofs and to furnaces, with the potential to include permanent moored vessels. She said that a list of all approved appliances and fuels was published on the Defra website.

Whilst previously it had been hard to enforce control of smoke release from chimneys, the Environmental Health Officer said that the Government had enabled local authorities to introduce their own civil penalties and Defra recommended a staged process, with the initial action being to serve an improvement notice, the next stage being to serve notice of intent to issue a financial penalty, with the final action being to issue a penalty, which a local authority could set at between £175-£300.

The Environmental Health Officer said that it was for each local authority to determine what constituted smoke from a chimney and that the Council wanted to take a proportional approach, recognising that smoke could be emitted for example when lighting and refuelling a fire. She said that it was illegal to sell or buy unauthorised fuel within a smoke control area unless for use on a Defra approved appliance and as such retailers would need to display notice to this effect.

The Environmental Health Officer said that there was a legal requirement for the Council to undertake a public consultation exercise before making a smoke control order.

The Environmental Health Officer recommended checking the Defra website for the list of Defra approved stoves and fuels and confirmed that authorised fuels could continue to be burnt on approved stove appliances. She confirmed

that it would not apply to bonfire night fires.

In relation to the consultation process, the Director for Neighbourhoods explained that there were a number of other local authorities within Nottinghamshire going out for consultation on smoke areas, some with a recommendation for district wide schemes. He said that this scrutiny review was for the Council to receive a steer from the Group, which could be included in the consultation information and that a recommendation would then be taken to Cabinet as the decision making body. He said that the public consultation would likely conclude by the end of the year, with a proposal to Cabinet early 2024, and that implementation timelines could be included as part of the recommendation.

The Chair referred to the businesses selling appliances and fuels, both within and outside of the Borough. The Environmental Health Officer said that Trading Standards would manage retail activity and would liaise with affected suppliers. She said that it would be an offence for a person to sell fuel such as wood in a smoke control area unless they had reason to believe that it was for use on a Defra approved appliance.

In relation to enforcement of smoke control measures, the Environmental Health Officer said that previously there had been limits on what could be done but that there was now a push to increase public awareness and controls.

The Chair asked Members of the Group to vote on which of the four options they would prefer and the Group voted unanimously in favour of Option D.

It was **RESOLVED** that the Communities Scrutiny Group:

- a) considers on the options provided for smoke control areas within the Borough
- b) indicates a preferred option enabling public consultation to take place
- c) recommends its preferred option to Cabinet for adoption.

## 11 **Work Programme**

It was **RESOLVED** that the Group agrees the work programme for next year 2023 – 2024 as set out below:

### **18 January 2024**

- Flight Paths
- Work Programme

### **21 March 2024**

- Streetwise In-Sourcing
- Carbon Management Plan
- Work Programme

**xx June 2024**

- Use of Community Facilities
- Work Programme

**Actions – 5 October 2023**

<b>Min No.</b>	<b>Action</b>	<b>Officer Responsible</b>
5	Social Housing Models: Councillor Polenta asked for more information about the demand and supply of social housing in the Borough, including affordable housing costs in relation to income levels	Strategic Housing Manager
5	Social Housing Models: The Strategic Housing Manager said that she would circulate a list of the registered housing providers in the Borough to the Group.	Strategic Housing Manager

The meeting closed at 9.07 pm.

CHAIR