

**MINUTES
OF THE MEETING OF THE
GROWTH AND DEVELOPMENT SCRUTINY GROUP
WEDNESDAY, 17 JULY 2024**

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 P Matthews (Chair), K Chewings, C Grocock, D Mason, H Parekh,
D Soloman and R Walker

OFFICERS IN ATTENDANCE:

C Evans	Service Manager Economic Growth and Property
R Churchill	Rushcliffe Oaks Manager
James Bate	Team Manager Planning
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors L Way and S Dellar

1 Declarations of Interest

There were no declarations of interest.

2 Minutes of the Meeting held on 6 March 2024

The minutes of the meeting held on 6 March 2024 were approved as a true record of the meeting and were signed by the Chair.

Councillor Grocock referred to an Environment Agency report ranking environmental equality within Nottinghamshire boroughs, which included some lower rankings for Rushcliffe, and the Chair confirmed that there was an outstanding invitation for the Environment Agency to attend a future meeting of this Group.

3 Review of Rushcliffe Oaks Crematorium

The Rushcliffe Oaks Manager delivered a presentation which provided the Group with an update about Rushcliffe Oaks Crematorium.

The Rushcliffe Oaks Manager explained that the Crematorium had held 506 cremations in its first year, of which 32 were direct cremations without a service. She presented the Group with financial information which set out the monthly income generated compared to target income, by month, and noted that income had increased over the year and demonstrated business growth. She explained that the initial business case projections for income had been overly optimistic for a newly opened business and as such had subsequently

been reviewed.

The Rushcliffe Oaks Manager said that total income for the year amounted to £485k which meant that a £61k surplus had been achieved. In comparing the number of services held over the year, she noted that 22 had taken place in April 2023 and 52 in April 2024, with projected income for 2024 being £710k, or £683k without memorialisation income which was projected to be £27k.

In relation to memorialisation, the Rushcliffe Oaks Manager said that sales had initially been slow but were increasing and it was hoped that opening up the bottom third of the site which would include a wildflower meadow would also increase sales. She noted that circa 4% of the population chose to have a memorialisation at the crematorium where a service took place.

The Rushcliffe Oaks Manager explained that the Team had sought feedback from local funeral directors which had been extremely positive, saying that the service provided was professional and welcoming. She said that the Team aimed to accommodate all types of service requests, whilst being mindful of safety concerns, and welcomed all faiths and all types of funerals and had generous service times which meant that services did not impact on each other. She added that they also had a comfort dog, possibly being the only crematorium which had one, which had proved popular, particularly in providing a distraction for children. She said that the Crematorium was also operationally carbon neutral.

In relation to competition and communications and marketing, the Rushcliffe Oaks Manager said that the Team had visited funeral directors in the area to better understand the market and where people were coming from and had looked at how best to share news. She said that the Team were including adverts in hospital bereavement brochures and sent quarterly newsletters to funeral directors. The Team had held two Open Days which had been very well attended and posted sensitive updates on social media. The Crematorium had also received exposure from having a comfort dog which had generated news and radio press items and who was a finalist in the BBC Make a Difference Awards.

Referring to future focus for the Crematorium, the Rushcliffe Oaks Manager said that the Team had needed to build resilience to allow for annual leave and unforeseen circumstances and had trained additional Council staff so that they could step in to provide support when needed. She said that the Team hoped to attend appropriate events in villages and look at different ways of marketing, perhaps through charities, and use the success of having a comfort dog. She added that it was hoped to install a beehive on the site to enhance biodiversity and that they were offering the site to host partner and national events and wanted to expand their knowledge about all faiths to be better able to meet needs.

The Rushcliffe Oaks Manager said that they had recently received a visit from 34 delegates from South Korea to learn about their technology and grounds and their biodiversity and carbon neutral features.

The Rushcliffe Oaks Manager said that the Team were looking at other

memorialisation options and would be benchmarking fees ahead of the review in 2025/2026.

The Chair referred to the financial information and asked for clarification in relation to the £200k projected growth in income and how much of that would be profit. The Service Manager Economic Growth and Property said that it would be necessary to review costs to ascertain the profit margin, the figures provided were total projected income rather than profit. The Rushcliffe Oaks Manager said that the facility was projected to pay back the capital investment within 15 years.

Councillor Chewings referred to the Cabinet report in October 2018 which had projected the need for 1000 cremations in the area and also referred to the number of deaths in the Borough and said that there was an existing crematorium at Wilford Hill. He said that the business case had been for the facility to generate a revenue return and asked for greater financial detail, including costs, to allow for more analysis and understanding of the financial situation.

The Service Manager Economic Growth and Property confirmed that the Council did track expenditure to monitor progress against target and to inform future projections. She highlighted that as a new facility there was much work taking place to grow the business, part of which included competition and changing people's habits and noted that the facility was used by residents outside of the Borough and she said that there was confidence that the business would continue to grow.

Councillor Mason said that whilst one factor of the business case had been income generation, another driving force had been to provide a valued service to the community, particularly as Wilford Hill was coming to the end of its life and had to close annually for lengths of time for maintenance. She asked about whether Rushcliffe Oaks had to close for maintenance and the Rushcliffe Oaks Manager said that it did and had closed for a week this year but this also included time for completing the ground work to the bottom third of the site.

Councillor Mason asked about the Crematorium's green roof and the Rushcliffe Oaks Manager said that it was self-maintaining, only needing to be watered if it was very hot and dry.

Councillor Mason asked about the solar panels on the site and the Rushcliffe Oaks Manager said that they had provided sufficient energy to meet the baseload requirements for the building as had been planned, this did not include the cremator.

Councillor Parekh asked about how the facility was catering to the diverse and different faith needs of the community. The Rushcliffe Oaks Manager said that the Team had engaged with members of the Sikh and Hindu community before it had opened and whilst it was a secular facility they had many different signs required for many different services and families were welcome to bring their own additional items. She said that they were flexible to meet differing needs and accommodate different elements as much as possible. She said that the Team were looking to learn more.

Councillor R Walker referred to the 4% of families choosing memorialisation and the benefit of focussing resource on that provision. The Rushcliffe Oaks Manager said that whilst the Crematorium did not spend too much time on them it did want to respond to feedback from clients who had asked for things, such as tree memoria.

Members of the Group congratulated Rushcliffe Oaks Manager and the Council for providing such a superb, welcoming and well run facility for the community and for its successful first year since opening.

The Chair agreed an Action for further financial information, including costs, to be circulated to the Group.

It was **RESOLVED** that the Growth and Development Scrutiny Group:

- a) Reviewed the actions taken in response to the Group's suggestions in July 2023
- b) Identified new opportunities to further promote and develop the offer at Rushcliffe Oaks.

4 **Infrastructure Delivery**

The Team Manager Planning delivered a presentation to the Group about Infrastructure Delivery and provided answers to the five questions that had been asked.

The Team Manager Planning provided the Group with some background information, being that infrastructure providers often gathered money from multiple development pots which while this may delay work until all of those had been collected, could also enable more to be delivered and with greater efficiency than if funded piecemeal. He explained that it was not possible to cross fund between s106 pots of money and clarified that the role of the Council was to work with relevant partners to identify infrastructure needs arising from a development, secure funding to meet those needs, and to collect the money secured through the legal agreements and make it available to the infrastructure provider/s.

In relation to infrastructure triggers and their monitoring, the Team Manager Planning explained that triggers for s106 and Community Infrastructure Levy (CIL) were different, with CIL triggers all being pre-defined in the instalments policy. He informed the Group of the various levels of CIL contributions required for small, medium and large developments and confirmed that as all payment due dates were time based, it was easy to monitor whether payment had been made on time. He added that development completion was monitored through regular updates from Council Tax.

In relation to s106 payments, the Team Manager Planning explained that triggers were bespoke negotiated for each development and were rarely time based, more often linked to events such as commencement of development or percentage occupation. He said that payments could be linked to the developer

realising a return on their investment for larger developments, were often paid in instalments and depending on what was to be funded, related to when would be best to deliver that provision, for example it could be beneficial for a school to be built early. He added that s106 could also secure works rather than financial payments and that works could be to directly facilitate the development or to offset its impacts on services and infrastructure.

The Team Manager Planning informed the Group that s106 triggers were monitored through Council Tax information, annual monitoring undertaken by the Planning Policy Team and from estimates provided by developers at previous trigger stages. He explained that on and off site physical delivery had to be monitored directly, but that functionality of infrastructure could not be monitored by the Council and as such was not signed off.

The Team Manager Planning explained that enforcement of s106 was conducted through legal action for breach of contract and that CIL had inbuilt penalties and functions with the Council being able to apply stops functions, late payments and surcharges. He added that in relation to CIL, a developer needed to inform the Council of commencement onsite and forfeited the facility to make staggered payments if they did not do so.

Councillor Thomas referred to the visibility of s106 to town and parish councils and the level of understanding and input that they had into what was asked for. She said that the things asked for were often not things that the community would want or prioritise. She asked how the process could be improved to include consultation with them and their input.

The Team Manager Planning said that s106 agreements were initially drawn up through negotiation and were informed by a variety of factors, including cashflow and local priorities as to what was seen as being vital to secure. He said signatories were usually the developer, the Council and sometimes the County Council and that parties who were not signatories could not have such input. He said part of the consultation asked for information about aspects that would be affected by a development and that this was when town and parish councils could submit their requests.

The Chair asked about s106 notifications and the Team Manager Planning said that infrastructure providers were informed when the funding for their contribution had been collected, such as notifying the County Council when education money was available.

Councillor Thomas said that she did not think that most town and parish councils understood that they needed to set out their requests at the consultation stage of a development and said that they also did not have chance to comment on other requests put forward.

Councillor Chewings suggested that this s106 be included as an agenda item at the next Town and Parish Conference.

The Team Manager Planning said s106 requests could only be for infrastructure necessary to make the development acceptable and to meet the needs of the development, rather than for facilities elsewhere in a community.

In relation to play areas, he said that the Council's Communities Manager usually advised on what would be acceptable for the given scale of a development. The Service Manager Economic Growth and Property added that the Communities Team were currently consulting on a refresh of the Council's Play Strategy, which was used to inform s106 requests, and that this would shortly go out to all Members and town and parish councils for their input.

In relation to delays to delivery programmes, the Team Manager Planning said that s106 agreements set out the way in which funding for delivery was collected but that there were no timescales for when the works needed to be delivered by. He said that there was often a repayment clause which was often set at ten years after payment of the last instalment, and as such the Council had systems in place to communicate with infrastructure providers to ensure that they claimed the money before repayment was due. He said that the Council had never had to return any money.

In relation to enforcement, the Team Manager Planning said that for s106 this was through legal action for breach of contract and that if a developer could demonstrate that the delay was despite them having actively tried and made 'best endeavours' to deliver something, then this could be used as a legal defence.

The Team Manager Planning informed the Group that if there were delays to major infrastructure works the Council aimed to keep Ward Councillors involved.

In relation to CIL money, the Team Manager Planning explained that this did not directly secure works and was spent by the Council according to its Priority Funding List which was reviewed every three years and which was published on its website.

The Team Manager Planning presented an Infrastructure Projects list and their progress towards completion to the Group.

In relation to how, when and why changes were made to s106 agreements, the Team Manager Planning said that changes could be made at any point and were done through Deeds of Variation. He said that any changes needed to be agreed by all signatories and that parties should not unreasonably refuse to consider amendments. He said that changes could be for any manner of reasons, including those driven by changing economic circumstances, legislative or policy changes, where clarification was required or where infrastructure needs had changed.

In relation to engagement with stakeholders, the Team Manager Planning explained that the Council held regular meetings with NHS and partners and consulted with stakeholders. He explained that the Council notified stakeholders when it had received contributions that they were likely to deliver and notified them when the repayment dates was looming but confirmed that the Council could not enforce delivery of a facility.

In relation to lessons learned from past infrastructure delivery, the Team Manager Planning said that it was difficult to learn from matters where

amendment had been purely as a result of time elapsed as the Council and partners could not predict the future but only make best estimates at the current time. He noted that there was learning in relation to offsite infrastructure which had been secured by either s106 or planning conditions, both of which had different enforcement mechanisms and as such reflection on what had worked best in different circumstances could be done.

Councillor Thomas asked for a recommendation to be added for the Infrastructure Monitoring report to be brought to Scrutiny on an annual basis to give opportunity for review of progress of projects. This was seconded by Councillor R Walker and Agreed by the Group.

The Service Manager Economic Growth and Property explained that much of the work was outside of the Council's control and represented collection of money over a long period of time and this would be an information item only.

The Chair highlighted that bringing the report to the Group annually would enable Members of the Group to have oversight and feedback information to the town and parish councils on their respective infrastructure projects.

Councillor Soloman referred to Deeds of Variation and how it could be confusing to know where and when something was due to be delivered and asked whether it would be possible for summaries to be provided to town and parish councils after a series of variations had occurred.

Councillor Thomas noted that Deeds of Variation did not go out to consultation and asked whether they could go out to town and parish councils for comment.

Councillor Thomas asked whether when consultations on large developments were issued whether a briefing note could be sent to town and parish councils to advise them that this was the time for them to submit their infrastructure requests for s106 funding.

Councillor R Walker referred to the excellent stakeholder and community engagement that had taken place for the Fairham development but recognised that this was not possible for smaller developments and suggested that Ward Members should fulfil a communication role with their communities.

In relation to Deeds of Variation, the Team Manager Planning advised that each signatory was duty bound to not unreasonably refuse amendments tabled and involving non-signatories would risk that and invite comments that could not be acted upon.

The Chair asked if communication about Deeds of Variation could take the form of an information note to town and parish councils following agreement of the variation.

It was **RESOLVED** that the Growth and Development Scrutiny Group considered the contents of this report and recommended that the Infrastructure Monitoring report to be brought to Scrutiny on an annual basis.

The Chair noted that there was an open invitation for the Environment Agency and Severn Trent Water to attend a future meeting of this Scrutiny Group.

The Chair noted that Cabinet had resolved at its meeting in May for this Scrutiny Group to review progress against proposals set out in the Management of Open Spaces on New Developments report in spring 2025 and asked for this to be added to the Work Programme.

It was **RESOLVED** that the Group agreed the work programme as set out in the table below.

17 October 2024 (Joint Scrutiny Group)

- Accessible Housing Briefing
- Work Programme

23 January 2025

- Work programme

3 April 2025

- Management of Open Spaces on New Developments
- Work programme

Action Table – 17 July 2024

Minute No.	Action	Officer Responsible / Update
3.	Circulate financial information about the Crematorium, including costs, to the Group	UPDATE: Financial information has been circulated to the Group
4.	Information about the process for s106 agreements, particularly in relation to town and parish council input, be included as an agenda item for the next Town and Parish Conference	Team Manager Planning UPDATE: An update will be provided at the meeting
4.	A briefing note to be included in consultations on large developments for town and parish councils to provide information about S106 and highlighting their opportunity to request support.	Team Manager Planning UPDATE: An update will be provided at the meeting
4.	A Deeds of Variation information note to be circulated to town to town and parish councils on developments in their areas.	Team Manager Planning UPDATE: An update will be provided at the meeting