

**MINUTES
OF THE MEETING OF THE
GROWTH AND DEVELOPMENT SCRUTINY GROUP
WEDNESDAY, 26 MARCH 2025**

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), L Way (Vice-Chair), K Chewings, C Grocock,
D Mason, H Parekh, D Soloman and A Edyvean (as a substitute)

ALSO IN ATTENDANCE:

Cabinet Members N Clarke (Leader) and R Upton

OFFICERS IN ATTENDANCE:

L Ashmore

Director of Development and
Economic Growth

H Knott

Head of Planning

B Ryder

Economic Growth and Corporate
Projects Officer

T Coop

Democratic Services Officer

APOLOGIES:

Councillors S Dellar and R Walker

15 Declarations of Interest

There were no declarations of interest.

16 Minutes of the Meeting held on 29 January 2025

The minutes of the meeting held on 29 January 2025 were approved as a true record of the meeting and were signed by the Chair.

It was noted the Group had been provided with an update on banking services that were available across the Borough, which had been circulated to members. Councillor Way raised her concerns at the lack of banking opportunities and requested further information on Post Office services and ATM machines. The Economic Growth and Corporate Project Officer advised that more research is being done which will be reported to the Group at a future meeting.

The Leader of the Council added that he had written letters to both the Local Government Association (LGA) and District Council's Network (DCN) requesting their engagement with this matter.

17 Management of Open Spaces on New Developments

The Director – Development and Economic Growth provided an overview of the scrutiny objective and its progress since it was last discussed at the meeting of Growth and Development Scrutiny Group in January 2024. The Group were reminded of the Cabinet decision in May 2024 which reaffirmed the position of the Council not to adopt open spaces, but to support a Good Practice Guide, support the work of the Scrutiny Group and to continue lobbying Government.

The Director – Development and Economic Growth referred to the action plan at Appendix A of the report which provided an update on work completed and work in progress over the last twelve months. The Director – Development and Economic Growth highlighted the following actions:

- **Developer Contribution Supplementary Planning Document (SPD)** – a draft SPD to be presented to the Local Development Framework Group in April
- **Good Practice Guide** – outlining the Council's expectations of service on behalf of residents
- **Community Development Boards** – Management Companies to be invited to join Developments Boards – examples of this happening at Fairham and Newton
- The Council to act as **convener between stakeholders** where there are significant disputes
- **Liaise with other agencies** regarding their role – for example Flood and Water management Act 2010 - not yet implemented
- **Lobbied Government** – three letters sent to Government by the Leader with the aim to provide legislation to an area that is currently unregulated.

The Head of Service - Planning advised the Group that a Supplementary Planning Document (SPD) has been drafted for Developer Contributions, including a section on Management of Open Spaces that will cover landscaping schemes and management plans for the maintenance of open spaces. The SPD would also reference the Good Practice guide and the Borough Council's expectations, but it cannot be a mandatory requirement. The Group noted that the Developer Contributions SPD would be considered by the Local Development Framework Group on the 22 April.

The Director – Development and Economic Growth continued and presented the Group with the draft Good Practice Guide and advised the Group that the guide is closely aligned with the New Homes Quality Code and is designed to represent a reasonable achievable commitment from developers and management companies, in the interest of achieving the best quality service for residents. However, she emphasised this was only a guide to encourage developers to provide good practice, but it was not mandatory or enforceable in any way.

The Group were informed that the Leader of the Council, Councillor Neil Clarke held a roundtable meeting in July 2024 which brought together cross-party Councillors, developers, management companies and residents to have conversations around the four Good Practice themes:

- Service
- Fairness
- Transparency
- Community

The Group noted that the guide closely aligned with existing practices outlined in the New Homes Quality Code (NHQC) and outlines the Council's expectations of management companies.

The Director – Development and Economic Growth in concluding informed the Group that whilst the Good Practice guide was not mandatory the overwhelming response from developers and managements companies was that this area should be regulated. The Group were advised that the draft guide had been circulated with developers and management companies and that they were comfortable with what the Council had designed.

The Director – Development and Economic Growth added that going forward developers and management companies would continue to be invited to the Council's community development boards and the Council would continue to lobby Government in respect of improved regulations for management companies.

The Leader of the Council, Councillor Clarke was invited to speak. The Leader advised the Group that the roundtable discussions had been constructive, and he had been encouraged by the management company's intentions to co-operate with the process. He explained he had been lobbying the Government for over a year and had recently met with Baroness Taylor of Stevenage, Under- Secretary of State for Housing and Local Government at the District Council's Network conference and was waiting further details of a meeting.

The Leader complimented officers for developing the Good Practice Guide emphasising that Rushcliffe were more advanced in this area than other local authorities across the country and how important it was to keep up the pressure.

Councillor Parekh thanked officers for the update and was pleased with the guidance, but was concerned that it was not mandatory and asked whether there are further roundtable discussions being planned to ensure developers and management companies are aware of the guidance. The Leader explained this was an evolving situation and how important it is for the Council to keep up the momentum and to encourage developers and management companies to sign up to the Council's guidance and to self-regulate.

The Chair asked if all developers and management companies had agreed in principle to the guidance. The Director – Development and Economic Growth advised that the conversations had only been had with a number of developers and management companies and the next step was to get in touch with a wider

community of companies.

Councillor Grocock expressed how good it was to see Rushcliffe pushing ahead with the roundtable discussions and was encouraged by the process so far. He asked whether the Council could put forward its preferences for which management companies are used during discussions at the development stage, perhaps providing a list of approved suppliers for example. The Head of Service - Planning explained that providing a list of suppliers is not recommended, the guidance would be accessed via the Council's website with a list of developers who have signed up to it including a link to the Council's expectations. In addition, during the planning process developers will be encouraged to follow the Good Practice Guidance and the Council's expectations from developers and management companies.

Councillor Grocock referred to Town and Parish Council's that may wish to adopt and maintain open spaces and/or if residents want to lead on the management company and whether a preference for them to have a first refusal approach could be considered. The Head of Service - Planning explained that if the Town/Parish Council are interested in the open space and taking this on then they would need to make this clear and it could be included as an option in the Section 106 but cannot be mandated. In regard to a resident led entity, this may work but will not necessarily be suitable for all developments.

Councillor Chewings asked a specific question relating to the Council's decision to remove the financial burden of adopting open spaces and reasons why the Council opted for a manage company approach instead. The Leader of the Council explained how much it costs the Council to cut grass on developments that have historically been adopted by the Council and if multiplied by the many developments that have been built since post adoption, the Council would have a massive financial burden which would ultimately lead to increases in Council Tax. The decision taken to no longer adopt open spaces meant that those who bought on a housing development would pay through a management charge thus mitigating the financial burden. The Head of Service - Planning added, this was not unique to Rushcliffe and is an issue across the housing development sector.

Councillor Chewings expressed his frustration and the need for alternative solutions or Government legislation, adding that transferring the financial burden for the residents on new developments to pick up the maintenance costs was unfair and that all residents should have the same access to open spaces. The Director – Development and Economic Growth explained that a Council Tax cannot cover the costs for the maintenance of open spaces and there is no legislation in place for developers to sell the land to local authorities, adding that developers will hold on to land as they cannot afford to pay the commuted sums and some schemes would mean that affordable housing gets compromised. The Director – Development and Economic Growth advised that the consequences around the maintenance of open space is far more complex now with the introduction of SUD's, play parks and landscaping. By producing a Good Practice Guide the Council aims to provide a workable solution.

Councillor Way highlighted the unfairness of the management company model

for those residents living on new housing developments who are having to pay for the maintenance of the open spaces, yet these spaces are used by all, adding that in some instances this has created resentment amongst communities

It was largely accepted by Members that going back to the Borough adopting open spaces would not work. However, they felt there were so many elements of unfairness with some of the management companies escalating charges and fees which need to be questioned.

In relation to play parks, Councillor Grocock suggested that a Town or Parish Council should be allowed the option of first refusal on the land or at least have some input or conversations around the future equipment and maintenance of a play park in their area. The Director – Development and Economic Growth advised the Group that a Play Strategy is being drafted and play parks will be a topic that will be covered within the strategy.

Councillor Parekh commented on the unfair and often undisclosed charges and fees management companies were imposing on residents and asked whether companies will be expected to be more transparent about their fees and charges and will they be expected to provide a breakdown of them when signing up to the guide. The Head of Service - Planning explained the guide will encourage them to be more transparent. However, the Council cannot control what management companies charge for, we can ask about the management of planted trees and landscaping and how this will be maintained, but we can't delve into the details of the company's business. The Group felt that more should be done to support residents as it's often not clear what they are being charged for, which can vary a great deal across the industry.

Councillor Upton referred to the supporting information within the report around the themes of 'transparency and fairness', 'quality and maintenance' and 'customer service and rights of redress' and how these were being echoed across the country. In addition, he commented on the Competition and Markets Authority (CMA) study, published in February 2024 and the Government's response, stating their intention to consult publicly on the best way to bring the injustice of private estates and unfair costs to an end.

Councillor Soloman suggested some additional guidance around the older housing developments where the developers have held on to the land and haven't put a management company in place and whether in these instances the land could be transferred to the Town or Parish Council in the first instance. The Director – Development and Economic Growth explained this was an historic legacy and that more recently the trend is moving to a management company model. However, she could see no harm in adding something to the SPD Guide.

Councillor Chewings stated that the document has come about by the way residents on housing developments where management companies operate have been treated unfairly. He asked whether residents' views had been taken into consideration when drafting the guidance and expressed his concerns regarding the guide being of only a voluntary value and not mandatory. In addition, Councillor Chewings felt the language used in the guide was weak

and that management companies should be made more accountable.

Councillor Solomen also felt the guidance lacked any substance and relied on the goodwill of developers and management companies.

The Leader explained that the main ambition of the guidance is to encourage developers and management companies to come to an agreement voluntarily and understood Councillors frustrations with the process. In addition, he highlighted the Council have struck a good relationship with developers as we strive to provide vibrant and sustainable communities.

Councillor Chewings still felt the document lacked weight and fails to meet resident's expectations. He believed the document should provide minimum standards and public accountability and if companies are not willing to sign up to the Good Practice Guide, we should revoke their endorsement.

The Head of Service for Planning explained the difficulties around creating such a document and being mindful of managing resident's expectations, the document has no measures in it and cannot be enforced. The Director – Development and Economic Growth agreed that it would be more difficult to include measures as we don't want to discourage developers and management companies and proposed to amend some of the text to include principles rather than metric based.

Councillor Mason gave her approval of the documents content, highlighting it can only be used as a guide and is not legally binding. She hoped developers and management companies would be encouraged to do the right thing and praised officers for leading the way forward on what appears to be a difficult situation.

The Chair highlighted an error in the report at 6.2 Legal Implications, which stated 'there are no financial implications associated with this report', which should read 'there are no legal implications associated with this report.'

The Chair thanked Councillors for their constructive comments and asked officers to progress the amendments around some of the wording and principles which had been highlighted during the discussions.

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

- a) endorsed the Good Practice Guide for the Management of Open Spaces and forwards it on to Cabinet for consideration;
- b) requested that the Leader continues to lobby Government to regulate the governance of management companies to ensure transparency and to remove charges unrelated to the management of open spaces;
- c) examine the deployment of the document and continue to investigate any measurable outcomes and requested a second roundtable meeting at an appropriate time in the future and report any findings back to Growth and Development Scrutiny Group.

18 **Work Programme**

The Chair advised the Group that no further scrutiny items had been submitted for consideration by the Corporate Overview Group and reminded Councillors of the process.

The Chair thanked officers for their continued support in the scrutiny process and for the leadership and commitment they provide in making Rushcliffe an exemplary Borough Council.

It was **RESOLVED** that the Group agree a work Programme for 2025-2026.

The meeting closed at 8.27 pm.

CHAIR