

**MINUTES
OF THE MEETING OF THE
CABINET
TUESDAY, 9 MARCH 2021**

Held at virtually at 7.00 pm and livestreamed on the
Rushcliffe Borough Council YouTube channel

PRESENT:

Councillors S J Robinson (Chairman), A Brennan, R Inglis, G Moore and
R Upton

ALSO IN ATTENDANCE:

Councillors B Gray and L Way

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

Councillor A Edyvean

50 Declarations of Interest

There were no declarations of interest.

51 Minutes of the Meeting held on 9 February 2021

The minutes of the meeting held on Tuesday, 9 February 2021, were declared
a true record and signed by the Chairman.

52 Citizens' Questions

There were no questions.

53 Opposition Group Leaders' Questions

Question from Councillor Gray to Councillor Robinson.

“Given that some outside this meeting may not be inclined to read cabinet
papers, but may read other papers with headlines such as "Nuclear Option for
Nottingham" how will the council communicate and explain the risks and
benefits of Rushcliffe potentially becoming home to an experimental nuclear
fusion reactor?”

Councillor Robinson responded by thanking Councillor Gray for his question and advised that should the expression of interest be submitted by the landowner for the Ratcliffe-on-Soar site, then there would be a comprehensive programme of community engagement with residents, stakeholders and parish and town councils in that area. The landowner, Nottinghamshire County Council and Rushcliffe Borough Council would work together to engage and consult, and the UK Atomic Energy Authority would be very much involved. The complexity and sensitivity of the issue was noted, this was cutting edge technology that was still to be developed, and appropriate consultation and communication would be undertaken if the scheme went forward.

Councillor Gray asked a supplementary question to Councillor Robinson.

“What external sources would we communicate with, given that some people who had been mentioned might have other interests for this going ahead. Would we speak to universities and other groups?”

Councillor Robinson responded by confirming that the UK Atomic Energy Authority would be primarily involved, and it would be important to involve the local universities. The Leader advised that the County Council would be coordinating the expression of interest and the Borough Council would be working with them and look to involve other external agencies that had the appropriate knowledge and expertise to assist with this complex topic.

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

“We are pleased to see that there is a recommendation for the inclusion of guidance within a Supplementary Planning Document to provide consistency to future Open Space schemes. This will prove useful in future for residents of new developments to have a greater degree of certainty about what they will need to pay and what will be provided for that fee. Hopefully this will also give them some help and support if the companies do not comply with the agreements, as seems often to be the case. It would be helpful if transparency is encouraged in terms of who has access to the open spaces. This is causing problems between residents and non-residents as to what constitutes public and private land and tends to result in divided communities.

We also welcome the recommendation to write to Secretary of State regarding this matter. One of the issues of concern is that the management companies are expanding these charges to cover so much more than open spaces and using this as an opportunity to increase their income stream. For example, one local resident moved to a house where there is an open space management company. This company charged his seller £250 for a seller's pack and the buyer £450 to change the owner's name on their records. It would appear that this is not unusual although charges vary. We have also seen examples of lists of charges where the residents, despite being freeholders, have to ask permission from the management companies to sell their homes. Inevitably there is a fee for this. Another resident was asked to pay a fee to change his mortgage, within the same mortgage company, when his Help to Buy agreement came to an end.

These imposed management agreements allow for additional charges to be made to residents for items such as dealing with fly-tipping and most do not have a cap on how much they can increase. Paragraph 3.1 of the officer report states that there should be parity across estates within the Borough. Hopefully there will be parity within the estates themselves. In estates with mixed tenure housing it is possible that some residents will carry a larger burden than others. This will only become clear with detailed examination. For residents living in affordable housing, be it social rent, affordable rent or shared ownership, these additional charges can impose an unsustainable financial burden on householders. In order to try to halt the continuation of unnecessary additional charges on households under the guise of open space management the letter to the Secretary of State should include all the above issues.

Will the Supplementary Planning Document and the draft letter to the Secretary for State come back to the Scrutiny group for comment?”

Councillor Upton responded by thanking Councillor Way for her very comprehensive question and advised that the points that had been raised would be considered for inclusion in his letter to be submitted to the Secretary of State (SoS) and in the proposed Supplementary Planning Document (SPD). Councillor Upton advised that the matter would not be referred back to the Scrutiny Group for consideration, the SPD would be considered by the Local Development Forum (LDF) before being referred to Cabinet for adoption and a copy of the letter to the SoS would be circulated to the LDF.

Councillor Way asked a supplementary question to Councillor Upton.

“Would you be willing to discuss with me the information that I have found during my research into this topic before finalising the letter to the SoS?”

Councillor Upton responded by confirming that he would be happy to discuss the matter further with Councillor Way.

54 **Revenue and Capital Budget Monitoring 2020/21 - Financial and Covid Update Quarter 3**

The Portfolio Holder for Finance, Councillor Moore presented the report of the Executive Manager – Finance and Corporate Services outlining the budget position for revenue and capital at 31 December 2020.

Councillor Moore advised that due to the impact of Covid, previous quarterly reports had highlighted the difficult situation that the Council was facing. In the last report, Cabinet had noted a deficit of £244k, which had been caused primarily by a reduction in income and to additional support costs. However, at the same time, significant cost savings had been made, details of which were highlighted in the report. Cabinet was advised that the Government had supported the Council with some additional income, and that support had helped to turn the previous deficit into a projected positive position of £721k in Quarter 3. Councillor Moore confirmed that this positive position would help to replenish the Organisation Stabilisation Reserve, to ensure that the Council had the available resources to meet any future risks going forward, and Cabinet was reminded that the Council was fortunate to have sufficient

reserves to deal with any future crises. In respect of the Capital Programme, the report highlighted an underspend of £7.3m, primarily due to small delays to the Bingham Leisure Centre project and to uncommitted funds in the Asset Investment Strategy, with the provision for that Strategy now being removed. Cabinet was advised that Special Expenses had been impacted by Covid, although it was eligible for limited Government support. The deficit amounted to £87k, which would be repaid by a loan, as agreed by the West Bridgford Special Expenses Group. In conclusion, Councillor Moore advised that given the difficult situation the Council had faced, this was a much more positive position, and it was hoped that as the situation continued to improve, this would be continued into the next quarter.

In seconding the recommendation, Councillor Brennan noted the scope for optimism going forward and that the efficient handling of the Council's finances had allowed it to manage the difficult financial situation. Councillor Brennan advised that the Council had continued to deliver on its priorities and with in-house efficiencies and Government support, the previous deficit position had moved to a projected positive position, and the Council would continue with its prudent financial management and look to replenish its reserves, where possible, to ensure that it was well placed to respond to any future issues.

Councillor Robinson reminded Cabinet that due to the Council's long standing, robust financial management and resilience, it had coped effectively with the difficult financial situation caused by the pandemic, and it was essential that the Council continued to remain vigilant and focused.

It was RESOLVED that the report be approved, and the following be noted:

- a) the expected net revenue efficiency for the year of £0.721m;
- b) the capital budget efficiencies of £7.3m; and
- c) the expected outturn position for Special Expenses of £0.087m deficit.

55 **Management of Open Spaces in New Developments**

The Portfolio Holder for Housing and Planning, Councillor Upton, presented the report of the Executive Manager – Communities reviewing the management of open spaces in new developments.

Councillor Upton referred to the changing layouts in new housing developments, including the increased provision of public open space and other infrastructure, which required maintenance either by councils or management companies. Cabinet noted that increasingly, the cost to councils had become prohibitive, and most councils, including Rushcliffe, had developed a policy to no longer adopt any further schemes. Councillor Upton referred to the varied reputations of management companies and advised that residents had raised concerns related to various issues, details of which were highlighted in the report. It was noted that of particular concern for residents related to payments for the maintenance of communal areas but the public being allowed access to those areas, and the perceived unfairness of that. Councillor Upton advised that in January 2020, the Growth and Development

Scrutiny Group had asked officers to investigate those issues, and those findings formed the basis of this report. Cabinet was advised that the Council could not get involved in the process of setting up management companies and the report was recommending that the Council adopt a new SPD, which would set out the standards that the Council would expect for the management and maintenance of open spaces on new housing developments, and allow officers to try and negotiate a greater degree of consistency and hopefully a better parity of fees. In conclusion, Councillor Upton stated that currently the Council had no legal power to control which management company was used, or how any scheme was managed and that would require changes to national legislation, hence the recommendation that the Portfolio Holder for Housing and Planning should write to the Secretary of State regarding this matter.

In seconding the recommendation, Councillor Brennan thanked the Growth and Development Scrutiny Group for looking into this matter, and to Councillor Way for bringing the issue to the Group's attention. Councillor Brennan referred to the increasing number of residents who would be involved with management companies, and to the concerns raised by some residents, and she considered that it was therefore timely that the Council examined this issue, to see what influence the Council could bring to bear going forward, to ensure consistency and fairness to all those involved.

Councillor Robinson noted the concerns that had been raised across the Borough and the timeliness of this review. It was noted that issues often arose when a property was sold on, which then triggered clauses, which many people were unaware of. In conclusion, the Leader advised Cabinet that this issue was a national one, and it was important that the Council made a point, by writing to the Secretary of State, in the hope that legislation could be put in place to improve the situation.

It is RESOLVED that:

- a) the inclusion of guidance within a Supplementary Planning Document (SPD) to provide consistency to future Open Space schemes be supported; and
- b) the Portfolio Holder for Housing and Planning write a letter to the Secretary of State highlighting the issues raised and recommends they bring forward guidance to address the issues identified.

56 Edwalton Golf Course Strategic Review

The Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson, presented the report of the Executive Manager – Finance and Corporate Services providing an update on the strategic review undertaken on Edwalton Golf Course (EGC).

Councillor Robinson reminded Cabinet of the importance of ensuring that all the Council's assets were reviewed regularly, to ensure value for money and that residents' needs were being met. Councillor Robinson provided a brief overview of the timeline of the review and Cabinet noted that concerns had been raised regarding the usage of the course and income generation. To

address those issues, Knight, Kavanagh and Page (KKP) had been commissioned to produce a comprehensive two-stage report to consider if there was still a golfing need, together with options for the site itself, details of which were highlighted in the report. Councillor Robinson advised that the report had been considered by the Communities Scrutiny Group (CSG) in January 2021, and the Group had agreed that the current arrangements could not continue, due to the cost to taxpayers, and that additional work was required to produce a Masterplan. Cabinet noted that the CSG had agreed that some form of golfing provision should be maintained, including the driving range capacity. In conclusion, Councillor Robinson reiterated that EGC was a key asset for the community and the Borough, and it was essential that the Council maximised the value of the site for everyone.

In seconding the recommendation, Councillor Upton reiterated the importance of the Council reviewing its assets and referred to the significance of EGC to the Borough. Cabinet was advised that for some time, EGC had been operating at a significant annual loss of approximately £44k, which had to be covered by a revenue subsidy. Councillor Upton stated that the current business model for EGC was not viable and it was both pragmatic and timely to review its usage, and the option appraisal work already undertaken had identified a continued demand for golfing provision, together with suggested investment in the asset, to make it more commercially viable. In conclusion, Councillor Upton advised that before any investment could be made, a technical Risk Assessment of the site and a detailed Masterplan should be produced.

Councillor Robinson referred to importance of considering the options for this key, sensitive site going forward and the need to maximise the use of the facility and was pleased to note that the report acknowledged the need to maintain a golfing provision. In conclusion, Councillor Robinson stated that the report had highlighted that the golfing provision might have to be tailored to meet the needs of golfers, which had changed considerably over recent years, in particularly during the pandemic, and the importance of the community facility was also acknowledged.

It was RESOLVED that:

- a) the feedback from the Communities Scrutiny Group, which includes the endorsement of a golfing need at Edwalton Golf Course be acknowledged; and
- b) the utilisation of £0.05m of 2020/21 projected in-year budget efficiencies be allocated to undertake a further detailed technical risk assessment of the site and thereafter a further £0.25m for further master planning work, assuming the risks identified are not prohibitive so that a realistic and deliverable masterplan can be achieved for the site.

57 Use of Fireworks at Borough Council Events

The Portfolio Holder for Community and the Environment, Councillor Brennan presented the report of the Executive Manager – Communities providing an update on the future use of fireworks at Borough Council events.

Councillor Brennan referred to the previous resolution by Council to investigate the future use of fireworks at Council events, with a report subsequently being considered by the Communities Scrutiny Group (CSG) in August 2020, when the Group considered the Council's own use of fireworks, together with how the Council could have a role in promoting responsible use. Cabinet was advised that although many people enjoyed traditional fireworks and the associated loud noise, the increase in the use of fireworks and the distress that it caused to many people and to both domestic and wild animals, had to be recognised, particularly given the unpredictability of events taking place. Councillor Brennan confirmed that the Council only used fireworks at one event at the Christmas lights switch on in West Bridgford, and that event had never received any complaints. Notwithstanding that, the CSG was asked to consider three options, details of which were highlighted in the report, and it was agreed that option to discontinue the use of loud fireworks at Council events would be the best approach. Councillor Brennan advised that in conjunction with that, the Council would support the launch of a public communications campaign to encourage others to take the same approach.

In seconding the recommendation, Councillor Inglis agreed with previous comments and referred to the stress caused by loud fireworks, particularly given the lack of control that people had, when fireworks were used by others. Councillor Inglis agreed that the use of quieter fireworks would benefit many people and animals, and it was the best approach that the Council could take to ensure that everyone could enjoy the spectacle, and it was hoped that by adopting this approach, others in the Borough would follow.

Councillor Moore referred to the anxiety and upset caused to people by the unexpected use of fireworks by others, and it was hoped that the proposed campaign would encourage people to be more thoughtful to others.

Councillor Robinson referred to the importance of the Council in influencing and educating others to take a more thoughtful and responsible approach to using fireworks.

It was RESOLVED that:

- a) the discontinuation of the use of loud fireworks at Council events be approved; and
- b) the launch of a public communications campaign to encourage external event operators and residents to adopt the Council's approach to use of fireworks.

58 Government call for STEP sites

The Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson, presented the report of the Chief Executive seeking endorsement for the expression of interest for the Ratcliffe-on-Soar site to be considered as a site for the Spherical Tokamak for Energy Production (STEP) power station.

Councillor Robinson provided a brief overview of the timeline for the proposal,

details of which were highlighted in the report. Councillor Robinson confirmed that Rushcliffe Borough Council had been asked to support an expression of interest for the Ratcliffe-on-Soar power station, which was due to be decommissioned in 2025. Cabinet noted how the basic principles of fusion power worked, together with the many environmental benefits of fusion power, details of which were highlighted in the report. The controversial nature of the subject had to be acknowledged and it was noted that opinions varied widely on this issue; however, everyone appreciated that new sources of energy had to be found. The issue of safety was of utmost importance, and it was acknowledged that nothing was 100% safe, although the majority of experts were of the opinion that this technology was very safe. The report highlighted some of the requirements for a STEP site, and it was noted that the site at Ratcliffe-on-Soar fulfilled those. Cabinet was advised that the expression of interest would be led by the County Council and the landowner and supported by the Local Enterprise Partnership. In conclusion, Councillor Robinson stated that this process was still at a very early stage, and although the Council had been asked to support the proposal, it was not in the Council's gift to lodge that expression of interest. Finally, Cabinet noted that this would be a non-binding expression of interest, and once submitted, the Government would undertake detailed site assessments to check all the sites, details of those procedures were highlighted in the report.

In seconding the recommendation, Councillor Inglis reiterated the importance of looking at new ways to produce greener energy and noted that the report was looking at the early stages of the concept and Rushcliffe's possible involvement going forward, which would be very timely, given the proposed date for the decommissioning of the power station. Councillor Inglis confirmed that the site scored highly in all the aspects of the STEP requirements that would be considered by the Secretary of State. Councillor Inglis referred to the considerable potential employment opportunities that this project could bring to the area, together with economic growth and global environmental benefits.

Councillor Brennan stated that this was a difficult and controversial subject, and there was continued debate regarding the changes in behaviour required to face the challenges of climate change, and it was acknowledged that without innovation into new technology, carbon reduction targets would not be met. In noting that this was only the first stage in the process, Councillor Brennan referred to the importance of being involved at an early stage and was happy to support the recommendation.

Councillor Moore referred to previous new technology, which had now become more mainstream and noted that fusion power was still unproven technology; however, with work being undertaken throughout the world to try and make the process work, if that was successful, it would change the future of energy generation. Councillor Moore welcomed the possibility of changing the current site into an environmentally friendly, green technology site, using state of the art technology.

Councillor Robinson reiterated that this was the start of a long process and advised that it was important not to underestimate the other potential benefits that this proposal could bring to the area, including research opportunities, job creation, particularly highly skilled employment and investment to the Borough.

Councillor Robinson referred to the work of the Development Corporation and welcomed the news in the Budget last week that a Freeport has been granted for the area. Cabinet was advised that the STEP project would take up about a third of the current site, and it was noted that this was just one of the many options currently being considered for the site.

Councillor Upton agreed that the world needed to look for alternative sources of power and reinforced the green credentials of the STEP programme and welcomed the opportunity to support the expression of interest.

In conclusion, Councillor Robinson referred to the question raised earlier by Councillor Gray and advised that if the expression of interest did go ahead, given the sensitivity and controversial nature of the proposal, there would be an extensive programme of communication, with the Council's partners to explain the proposal going forward.

It was RESOLVED that the submission of the expression of interest for the Ratcliffe-on-Soar site as one of several sites being put forward in the East Midlands to the STEP programme be endorsed.

The meeting closed at 7.53 pm.

CHAIRMAN