

Rushcliffe Borough Council – Scrutiny Matrix

Councillor Request for Scrutiny	
Councillor C Thomas	
Proposed topic of scrutiny	Ownership of Public Open Space
I would like to understand (key lines of enquiry)	<p>Housing developments of all eras may include areas of public open space for community use and enjoyment, including items such as green spaces, parks, trees, hedges, playgrounds, carparks, streams, ponds etc. In older estates these may be owned by Rushcliffe or other councils. In some cases ownership remains with the original landowner or developer, and changes hands over time. An earlier scrutiny item discussed <u>charges</u> for management of public open space on new estates but the issue of <u>ownership</u> of the land on these and older estates was not scrutinised.</p> <p>In more recent developments the arrangements are laid down in S106 agreements. There are several possible models, and one current arrangement appears to be for the developer or landowner to be required to transfer ownership of the land to a management company for a nominal sum. These companies operate for profit and as was noted by the last scrutiny item there is very little regulation on the charges made to residents. The interest of the management company is a business interest not public interest and concerns have been raised that they could, for example, seek to sell the land to build more houses, to the detriment of residents living there, or otherwise seek change the use of the land. The same is true if the developer retains ownership of the land – it is a business interest. This contrasts with some earlier arrangements where the land title was passed to Rushcliffe with or without a commuted sum for maintenance. In that case the land asset is protected because it is owned by a public body who operate in the interest of residents, not for profit.</p> <p>Key Lines of Enquiry:</p>

	<ol style="list-style-type: none"> 1. Examine land title transfer requirements in S106 agreements, sampling over time and area 2. Consult ward members to identify any areas where ownership of land is of concern to residents 3. Summarise and consider land transfers that have taken place to date 4. Identify any that have not been actioned in line with the S106 agreement, or that did not occur within the required timescale 5. Evaluate alternative models that could be used in future and situations where they could be appropriate, including: <ul style="list-style-type: none"> • Transfer of land to a residents' association which owns the land and appoints a management company or otherwise ensures that the approved management plan is carried out • Transfer of land to RBC or Town/Parish Council who then collect the management fees and arrange maintenance work • Transfer of land to RBC or Town/Parish Council along with a commuted sum (previous method) • Any other options for ownership 6. Consider whether Rushcliffe should seek to purchase public open space on existing estates if it comes up for sale 7. Consider whether areas of public open space in estates (existing and in future) should be designated as Assets of Community Value to potentially afford some protection.
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I think this topic should be scrutinised because (please tick)	<input type="checkbox"/>	Poor Performance Identified
	<input type="checkbox"/>	Change in Legislation or Local Policy
	<input checked="" type="checkbox"/>	Resident Concern or Interest
	<input type="checkbox"/>	Cabinet Recommendation
	<input type="checkbox"/>	Links to the Corporate Strategy
	<input type="checkbox"/>	Other (please state reason)

Officer Consideration of Councillor Request for Scrutiny		
Officer Feedback (please tick)		Officer Comment
- Issue already being addressed	<input type="checkbox"/>	
- Issue has already been considered in the last 2 years?	<input checked="" type="checkbox"/>	Management of Open Spaces considered by Growth and Development Scrutiny

		Group in July 2020 and January 2021.
- Issue is a legal matter		
- Issue of a complaint investigation		
- Issue is a staffing matter		
- There is an alternative way of dealing with the issue		
Is there sufficient capacity		
- Scrutiny Work Programme?		
- Officer Resources?	*	It is estimated that this piece of work would take a small number of officers 4-6 months to pull together. The Borough Council simply does not have resources to spare at this time.
Recommendation	Topic does not go forward for scrutiny at this time.	
Lead Officer		
Proposed Timescale for Scrutiny and Scrutiny Group		

Appendix A

Rushcliffe Borough Council – Scrutiny Matrix

Councillor Request for Scrutiny	
Councillor B Gray	
Proposed topic of scrutiny ...	Tree Preservation Order Register should be made public and placed online
I would like to understand ... (key lines of enquiry)	<p>Currently our TPO register is held offline and is “accessed” by contacting the council. Recently two protected trees were wrongly identified as not protected and almost felled if it weren’t for local knowledge that the trees were the subject of a TPO.</p> <p>Many councils keep their TPO registers online making it easier for residents and developers to check the status of a tree, and this reduces the potential for error.</p> <p>Some councils (Nottingham for example) keep their data in a map form, making it easier to identify trees which already have TPOs, others (Broxtowe for example) make a spreadsheet available for download. Mapping the data would be the gold standard in my opinion, releasing a list or spreadsheet would be the next best option.</p> <p>We already keep the register, but waste officer time by requiring individual look ups to be made on request. In the course of a housing development there could be multiple look-ups required of the same tree by different stakeholders. If incorrect information is given at the wrong time the potential for the tree is catastrophic and the potential for bad press for the council is also high. This could also result in a tricky legal situation if protected trees are felled.</p>
I think this topic should be scrutinised because ... (please tick)	<input checked="" type="checkbox"/> Poor Performance Identified
	<input type="checkbox"/> Change in Legislation or Local Policy
	<input checked="" type="checkbox"/> Resident Concern or Interest
	<input type="checkbox"/> Cabinet Recommendation
	<input type="checkbox"/> Links to the Corporate Strategy
	<input type="checkbox"/> Other (please state reason)

Officer Consideration of Councillor Request for Scrutiny

Officer Feedback (please tick)	✓	Officer Comment
- Issue already being addressed	✓	Included as a potential option in the Tree Conservation report considered by scrutiny in January 2022.
- Issue has already been considered in the last 2 years?	✓	
- Issue is a legal matter		
- Issue of a complaint investigation		
- Issue is a staffing matter		
- There is an alternative way of dealing with the issue		
Is there sufficient capacity ...		
- Scrutiny Work Programme?		
- Officer Resources?		
Recommendation		Topic does not go forward for scrutiny at this time.
Lead Officer		
Proposed Timescale for Scrutiny and Scrutiny Group		

Appendix

Rushcliffe Borough Council – Scrutiny Matrix

Councillor Request for Scrutiny		
Councillors J Wheeler / Jones		
Proposed topic of scrutiny ...	Establishment of a Rushcliffe Youth Council	
I would like to understand ... (key lines of enquiry)	I would like Scrutiny to consider how we can establish a Youth Council to enable the Council to engage with our young people to hear their views on key subjects such as Climate Change, our Nature Strategy and leisure provision as well as other areas we are responsible for. This Youth Council should aim to have representation from every Secondary School across year groups, as well as YOUNG and Positive Futures. Primary School aged Children should also have an opportunity to contribute.	
I think this topic should be scrutinised because ... (please tick)	<input type="checkbox"/>	Poor Performance Identified
	<input type="checkbox"/>	Change in Legislation or Local Policy
	<input checked="" type="checkbox"/>	Resident Concern or Interest
	<input type="checkbox"/>	Cabinet Recommendation
	<input checked="" type="checkbox"/>	Links to the Corporate Strategy
	<input type="checkbox"/>	Other (please state reason)
Officer Consideration of Councillor Request for Scrutiny		
Officer Feedback (please tick)	<input checked="" type="checkbox"/>	Officer Comment
- Issue already being addressed	<input type="checkbox"/>	
- Issue has already been considered in the last 2 years?	<input type="checkbox"/>	
- Issue is a legal matter	<input type="checkbox"/>	
- Issue of a complaint investigation	<input type="checkbox"/>	
- Issue is a staffing matter	<input type="checkbox"/>	
- There is an alternative way of dealing with the issue	<input type="checkbox"/>	
Is there sufficient capacity ...		
- Scrutiny Work Programme?	<input checked="" type="checkbox"/>	

- Officer Resources?	✓	
Recommendation	Topic is accepted for scrutiny.	
Lead Officer	Charlotte Caven-Atack	
Proposed Timescale for Scrutiny and Scrutiny Group	Topic is considered by the Communities Scrutiny Group in October 2022	

Appendix

Rushcliffe Borough Council – Scrutiny Matrix

Councillor Request for Scrutiny	
Councillor Clarke	
Proposed topic of scrutiny ...	Council policies relating to all forms of alternative energy and emerging technologies
I would like to understand ... (key lines of enquiry)	<p>What criteria are used when considering potential planning applications for alternative energy sites. How do we assess the impact and what weight is given to each factor when giving permission for such a site on:</p> <ul style="list-style-type: none"> • the environment - flora and fauna, air quality, visual • residents - their amenities • affect on views • noise • roads - traffic movements • end of life of site - re-instatement conditions. <p>How do we assess:</p> <ul style="list-style-type: none"> • existing infrastructure and any need for additional infrastructure • loss of agricultural/industrial land/green spaces/wildlife habitat. Much of Rushcliffe is high grade agricultural or pastureland. <p>How do we quantify the counteracting benefits of:</p> <ul style="list-style-type: none"> • Carbon reduction potential • Environmental additions • Long term benefits for local residents and businesses. <p>What assessment has been made of sites recently given permission and the impact of so doing? What have been the consequences of allowing those sites? How do we assess keeping up with advances in technology with the potential to allow obsolete methods which create harm as against newer methods?</p>
I think this topic should be scrutinised because ... (please tick)	<input type="checkbox"/> Poor Performance Identified
	<input checked="" type="checkbox"/> Change in Legislation or Local Policy
	<input checked="" type="checkbox"/> Resident Concern or Interest
	<input type="checkbox"/> Cabinet Recommendation
	<input checked="" type="checkbox"/> Links to the Corporate Strategy

		Other (please state reason)
Officer Consideration of Councillor Request for Scrutiny		
Officer Feedback (please tick)	✓	Officer Comment
- Issue already being addressed		
- Issue has already been considered in the last 2 years?		
- Issue is a legal matter		
- Issue of a complaint investigation		
- Issue is a staffing matter		
- There is an alternative way of dealing with the issue		
Is there sufficient capacity ...		
- Scrutiny Work Programme?	✓	
- Officer Resources?		There is not sufficient officer capacity to undertake this work at the present time; however, it would be appropriate to bring in additional external resource to assist in this matter.
Recommendation	This topic is discussed and Councillors have the opportunity to make their views on the topic known. The Council will then undertake to write (with external assistance) a Supplementary Planning Document on this subject in conjunction with the Local Development Framework Group.	
Lead Officer	Richard Mapletoft	
Proposed Timescale for Scrutiny and Scrutiny Group	Discussion about the topic proposed for Growth and Development Scrutiny Group in October 2022.	

Rushcliffe Borough Council – Scrutiny Matrix

Councillor Request for Scrutiny	
Councillors Barney, Brennan, Clarke, Combellack, Dickman, and Upton	
Proposed topic of scrutiny ...	Sewage infrastructure and discharge within Rushcliffe
I would like to understand ... (key lines of enquiry)	<p>I would like to understand the situation in Rushcliffe regarding sewage infrastructure and any unlawful discharges. This is a national problem but could also be locally affecting environmental health, humans and wildlife.</p> <p>I have attached some research information (which is available on request from Democratic Services) - there were 101 incidents in Radcliffe on Trent recorded in 2020 and problems in other villages. There have been concerns with the infrastructure in the Neville Ward affecting Hickling and Kinoulton. East Leake and Ruddington, Sutton Bonington and Normanton on Soar have had considerable problems, and probably elsewhere in recent years. There may be problems elsewhere from other local Rushcliffe pumping stations particularly as we are still very reliant on old Victorian pipe work. We therefore need to know more in order to protect our residents. Leaks into the Trent have received publicity recently giving rise to concerns. Residents and Local Councillors are concerned.</p> <p>New housing is permitted and planning and building regulations have controls within the development sites but do not necessarily address the added demand placed on existing infrastructure, which may be very old.</p> <p>It maybe that we need to lobby or enhance our liaison with other agencies e.g. STWA and County Council but at the end of the day we need to protect the residents of Rushcliffe.</p> <p>Residents need to be reassured that sewage is fully treated before any discharge to water courses, therefore a better understanding of the sewage system and</p>

	<p>controls within the Borough would be helpful and how the situation can be addressed.</p> <p>Do we need:</p> <ul style="list-style-type: none"> • additional planning controls • improved consultee responses to planning applications regarding sewage infrastructure • to lobby government for amended legislation • amendments to existing policies. • stronger conditions on planning approvals • more rigorous enforcement procedures • consideration of apportioning s106 monies to improvement of sewage infrastructure. 												
<p>I think this topic should be scrutinised because ... (please tick)</p>	<table border="1"> <tr> <td data-bbox="630 696 710 734">✓</td> <td data-bbox="710 696 1455 734">Poor Performance Identified</td> </tr> <tr> <td data-bbox="630 734 710 772"></td> <td data-bbox="710 734 1455 772">Change in Legislation or Local Policy</td> </tr> <tr> <td data-bbox="630 772 710 810">✓</td> <td data-bbox="710 772 1455 810">Resident Concern or Interest</td> </tr> <tr> <td data-bbox="630 810 710 848"></td> <td data-bbox="710 810 1455 848">Cabinet Recommendation</td> </tr> <tr> <td data-bbox="630 848 710 887">✓</td> <td data-bbox="710 848 1455 887">Links to the Corporate Strategy</td> </tr> <tr> <td data-bbox="630 887 710 1041"></td> <td data-bbox="710 887 1455 1041"> <p>Other (please state reason)</p> <p>Concerns voiced nationally therefore we should be looking at our own area</p> </td> </tr> </table>	✓	Poor Performance Identified		Change in Legislation or Local Policy	✓	Resident Concern or Interest		Cabinet Recommendation	✓	Links to the Corporate Strategy		<p>Other (please state reason)</p> <p>Concerns voiced nationally therefore we should be looking at our own area</p>
✓	Poor Performance Identified												
	Change in Legislation or Local Policy												
✓	Resident Concern or Interest												
	Cabinet Recommendation												
✓	Links to the Corporate Strategy												
	<p>Other (please state reason)</p> <p>Concerns voiced nationally therefore we should be looking at our own area</p>												

Officer Consideration of Councillor Request for Scrutiny

Officer Feedback (please tick)	✓	Officer Comment
- Issue already being addressed		
- Issue has already been considered in the last 2 years?		
- Issue is a legal matter		
- Issue of a complaint investigation		
- Issue is a staffing matter		
- There is an alternative way of dealing with the issue		
Is there sufficient capacity ...		
- Scrutiny Work Programme?	✓	
- Officer Resources?		This is not a topic under the Borough Council's control and any scrutiny would be dependent on the willingness of external bodies to participate.
Recommendation	Topic is scheduled for scrutiny if external bodies are willing to participate.	
Lead Officer	Darryl Burch	
Proposed Timescale for Scrutiny and Scrutiny Group	Proposed for Communities Scrutiny Group in October 2022 (though it could sit just as successfully under Growth and Development	

Appendix

Rushcliffe Borough Council – Scrutiny Matrix

Officer Request for Scrutiny		
D Hayden, Community Development Manager		
Proposed topic of scrutiny ...	Access Agreement between RBC and Canal and River Trust (CRT) for the Grantham Canal (2003 – 2025)	
I would like to understand ... (key lines of enquiry)	What CRT is delivering under the agreement If the agreement should be renewed and, if so, what revisions should be made	
I think this topic should be scrutinised because ... (please tick)	<input type="checkbox"/>	Poor Performance Identified
	<input type="checkbox"/>	Change in Legislation or Local Policy
	<input checked="" type="checkbox"/>	Resident Concern or Interest
	<input type="checkbox"/>	Cabinet Recommendation
	<input checked="" type="checkbox"/>	Links to the Corporate Strategy
	<input type="checkbox"/>	Other (please state reason)
Officer Consideration of Councillor Request for Scrutiny		
Officer Feedback (please tick)	<input checked="" type="checkbox"/>	Officer Comment
- Issue already being addressed	<input type="checkbox"/>	
- Issue has already been considered in the last 2 years?	<input type="checkbox"/>	
- Issue is a legal matter	<input type="checkbox"/>	
- Issue of a complaint investigation	<input type="checkbox"/>	
- Issue is a staffing matter	<input type="checkbox"/>	
- There is an alternative way of dealing with the issue	<input type="checkbox"/>	
Is there sufficient capacity ...		
- Scrutiny Work Programme?	<input checked="" type="checkbox"/>	
- Officer Resources?	<input checked="" type="checkbox"/>	
Recommendation	The Canals and Rivers Trust are invited to scrutiny to inform Councillors about their work enabling a decision about the access agreement to be made	
Lead Officer	Derek Hayden	
Proposed Timescale for Scrutiny and Scrutiny Group	Recommended for Communities Scrutiny Group in July 2022.	

Appendix