



# **Rutland County Council**

Catmose Oakham Rutland LE15 6HP.

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Minutes of the **TWO HUNDRED AND FIFTY FOURTH MEETING of the COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 12th September, 2016 at 7.00 pm

**PRESENT:**

Mr N Begy  
Mr E Baines  
Miss R Burkitt  
Mr R Clifton  
Mr J Dale  
Mr R Gale  
Mr T King  
Mrs D MacDuff  
Mr M Oxley  
Mrs L Stephenson  
Mr K Thomas  
Mr A Walters

Mr K Bool  
Mr O Bird  
Mr B Callaghan  
Mr G Conde  
Mr R Foster  
Mr O Hemsley  
Mr J Lammie  
Mr T Mathias  
Mr C Parsons  
Mr A Stewart  
Miss G Waller  
Mr D Wilby

**OFFICERS  
PRESENT:**

Mrs H Briggs  
Mr D Brown  
  
Mr M Fowler  
Mrs R Lea  
  
Mrs D Mogg  
  
Mr S Morgan  
Dr T O'Neill  
  
Mr P Phillipson  
  
Ms N Brown

Chief Executive  
Director for Places (Environment,  
Planning and Transport)  
Head of Learning and Skills  
Legal – Peterborough City  
Council  
Director for Resources  
(Monitoring Officer)  
Barrister – Landmark Chambers  
Director for People and Deputy  
Chief Executive  
Director for Places - Development  
and Economy  
Corporate Support Team  
Coordinator

## **241 APOLOGIES**

Apologies were received from Mr A Mann and Mr W Cross.

## **242 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised that the list of engagements had been circulated.

The Chairman made the sad announcement that Maxine Ind, the wife of Peter Ind (Former Mayor of Uppingham and RCC Chairman), had passed away. The Chairman intended to contact Mr Ind and would convey Council's condolences to him.

**243 ANNOUNCEMENTS FROM THE LEADER, MEMBERS OF THE CABINET OR THE HEAD OF PAID SERVICE**

There were no announcements from the Leader, Members of the Cabinet, or the Head of Paid Service.

**244 DECLARATIONS OF INTEREST**

Councillor Stephenson declared an interest in Agenda Item 10, Report 154/2016 as she was a full time teacher at Leighfield Academy.

**245 MINUTES OF PREVIOUS MEETING**

The minutes of the 253rd meeting of the Rutland County Council District Council held on 11 July 2016 were confirmed by the Council and signed by the Chairman.

**246 PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no petitions, deputations or questions from members of the public.

**247 QUESTIONS FROM MEMBERS OF THE COUNCIL**

i. Mr M Oxley

Can the present Chair of the Rutland Water Partnership please confirm whether there is active involvement in the Partnership from the principal partner – Anglian Water. If not can he tell me what has been done to try and involve them. Would he agree that without their input, as owner and main stakeholder in Rutland Water, it is not worth holding meetings.

The Chairman of the Rutland Water Partnership responded as follows:

I can confirm that Anglian Water is actively involved in the partnership. In the last 2 years I can only recall one occasion when they have been unable to provide a representative at the meeting.

The minutes for the Rutland Water Partnership are available and show that Anglian Water were represented at every meeting until the last one. The minutes of that meeting show concern by those attending at the lack of representation from various bodies including Anglian Water and I have asked the officer supporting the meeting to contact all participatory organisations, including Anglian Water, to ensure if possible a fuller attendance. In the case of Anglian Water the normal representative was unable to attend the last meeting for medical reasons and his colleague, who would usually attend in his place, was involved in long standing interviews.

ii. Mr M Oxley

I would ask whether this Council can revisit the decision made in May 2011 to only allow members whose wards abut Rutland Water to be considered for membership of the Partnership. The Constitution which apparently barred other ward members from becoming involved was never found despite extensive searches. I would like the opportunity to once again be considered for membership as I believe I did make a positive contribution to the Partnership before the rules were changed. If a member is willing and able to make a positive contribution then I believe they should not be discouraged from doing so. Rutland water impacts on the whole county not just the wards which border it.

The Chairman of the Rutland Water Partnership responded as follows:

To give some background information the Rutland Water Partnership was set up as a result of the Local Plan designating a specific Rutland Water Area. It is not a partnership in the current sense, the term partnership could be misleading as it was actually set up as a discussion forum. When it was set up the only commitment from RCC was to provide secretariat support and that no other additional resource or personnel would be required. The venue would alternate between the Sailing Club and the Bird Watching Centre; the Chairman was to be selected by the Partnership, there were no statutory powers of consultation.

The Membership was to provide a forum for national bodies and local communities to interact, therefore membership would be based on 3 local (those surrounding Rutland Water) ward members (RCC Representation); a Parish Council Representative; English Nature; The Environment Agency; NFU; Anglian Water; Ramblers Association; CPRE; Tourism; Fly Fishers; and the Sailing Club. I am not aware that there have been any changes to this.

As you know, Members are appointed to working groups at the annual Council meeting and you will have the opportunity to nominate yourself at the next meeting.

As a supplementary question Mr Oxley asked whether the Chair of the Constitution Review Working Group would review the appointments to the Rutland Water Partnership.

The Chair of the Constitution Review Working Group responded that the logic was that the most appropriate members for appointment to this organisation would be those whose Wards surrounded Rutland Water, but that this did not arise from any constitutional standing order. There was no reason that Mr Oxley could not put his name forward for appointment to the Rutland Water Partnership at the next Full Council meeting.

**248 REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL**

No decisions had been referred.

**249 CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 9 JULY 2016 TO 9 SEPTEMBER 2016 (INCLUSIVE)**

No call-ins were received.

## 250 REPORT FROM THE CABINET

Report No. 173/2016 from the Cabinet was received to consider the recommendations of Cabinet referred to Council for determination and report the Key Decisions made by Cabinet since the publication of the agenda for the previous ordinary meeting of the Council on 11 July 2016.

- 1) Council **NOTED** the Key Decisions made since the publication of the agenda for the previous ordinary meeting of Council on 11 July 2016.
- 2) **16 August 2016**  
**Decision No. 199**  
**Report No. 155/2016**  
**Corporate Plan including Strategic Aims and Objectives**

Mr Mathias introduced and moved the recommendations in the report. Mr King seconded the recommendations.

During debate of the recommendations, points raised included:

- i. The Chairman of the Resources Scrutiny Panel expressed his appreciation that the recommendations from the Resources Scrutiny Panel had been incorporated into the Corporate Plan.

### **RESOLVED**

- 2.1. To **APPROVE** the adoption of the Rutland County Council Corporate Plan 2016 to 2017.
- 2.2. To **APPROVE** the preparation of an annual report for Council updating on progress against the plan to include an annual review of the plan.
- 2.3. To **APPROVE** that work on the next Corporate Plan should commence immediately after the election of the new Council in June 2019 to be completed by the end of that calendar year.

- 3) **16 August 2016**  
**Decision No. 200**  
**Report No. 151/2016**  
**Efficiency Plan**

Mr Mathias introduced and moved the recommendation in the report. Mr King seconded the recommendation.

During debate of the recommendations, points raised included:

- i. The Efficiency Plan gave a positive picture of where savings were being made to deal with pressures at this time. The Councils Medium Term Financial Plan would be an emerging plan to deal with uncertainty in funding in coming years.

### **RESOLVED**

3.1. To **APPROVE** the acceptance of the Government's multi-year settlement offer.

4) **16 August 2016**

**Decision No. 202**

**Report No. 154/2016**

**Funding Support for Barleythorpe Primary Free School Bid**

Members were asked to note that there had been some amendments to Report No. 154/2016 as published for 16 August 2016 Cabinet Meeting. The amended report under consideration at this meeting started on Page 15 of the agenda pack.

Mr Wilby introduced and moved the recommendations in the report. Mr King seconded the recommendations.

During debate of the recommendations, points raised included:

- i. It was prudent to begin planning for the predicted increase in demand for Primary School Places in Rutland;
- ii. Additional capacity for secondary places was also being addressed by the proposal to relocate the Visions Children's Centre from the Catmose Campus to create space for additional secondary pupil places;
- iii. When expressions of interest were sought for the provision of a new Primary school for Oakham, the only firm interest came from The Rutland and District Schools' Federation (RDSF), two other schools have recently expressed an interest (Lanham and Brooke Hill) but have not put forward any formal proposition;
- iv. The Catmose site would be the most sensible place to locate the new Primary School in light of planning implications, location and facilities that already exist at this site;
- v. The School Admission Code provides that schools (Including Academies) cannot admit on the basis of a County Boundary and therefore there was some concern regarding assurances regarding provision of sufficient places for Rutland children;
- vi. The Admissions Policy for the proposed Barleythorpe Primary (Free School) included a distance criteria to prioritise requirement for places from children in Rutland. Children living nearer to the school would be higher up the hierarchy for admissions, as such the admissions criteria would enable them to meet against the assurance to provide places for Rutland children;
- vii. Forecasts had been made on the assumption that most parents living in Oakham will want their children to remain in Oakham and there may well be some villages that currently have children coming into Oakham that may find it more difficult in the future. Pupils from outside of County will continue to take places in Rutland schools and very few Rutland children will take places out of Rutland. There was still a responsibility to work with schools in order to encourage them to prioritise Rutland, even though it was not possible to make it a criteria for admission policies;
- viii. There was concern regarding children from the proposed Barleythorpe Primary School being given priority for places at Catmose College, which was already over-subscribed and as an Academy was free to set its own admission policy;

- ix. The education community in Rutland were working together to endeavour to ensure places for Rutland Children. Any assurances would be based on provision of extra capacity for secondary places in years to come;
- x. The proposed provision at Catmose Campus may be the only proposal put forward but might be viewed as less than ideal in terms of being an imaginative and attractive setting and ethos around inclusive admissions;
- xi. There would be some children who would not go through the Catmose campus system through to Harrington as they will not get the required grades at G.C.S.E, provision for these children could only be met at other local providers of further education including Tresham, Brooksby and Stamford New College;
- xii. There was an increase in demand in the Barleythorpe area due to the new housing development;
- xiii. This might not be the perfect solution, but it was the most pragmatic and viable option at this time;
- xiv. The Langham bid had come very late and although it was also very close to the Barleythorpe area in terms of location, no formal bid had been received in response to the consultation and there was an immediate need emerging. A certain amount of due diligence needed to be completed with regards to the Catmose bid over the coming year and through that process Catmose may make a decision that they do not want to proceed. If they do continue, the support from this authority would give the opportunity of working together and give Catmose increased status when making their application to the Department of Education. Langham could make a bid to the Department of Education in September, or any time for an increase in size;
- xv. The proposed primary school will be required to provide the national curriculum, but specialist areas will also be offered;
- xvi. The Leader and Portfolio Holder for Finance and Development, Mr King and the Portfolio Holder for Lifelong Learning, Mr Wilby had written to the new Secretary State for Education to point out the error that department made in granting the Harrington School and ask for assurances that similar errors were not made. In terms of primary schools, there is a need to provide places in the area of the demand. Existing Catmose Primary School is full and therefore parents clearly see it as a preferred option for their children; and
- xvii. The recommendation at 1.1.6 of the amended report should be amended to take account of the decision at Cabinet by adding the wording "subject to further discussion".

Miss G Waller proposed that the recommendations be voted on individually. This was seconded by Mr Thomas.

Council **AGREED** a separate vote for each recommendation in report 154/2016.

## **RESOLVED**

**4.1.** To **SUPPORT** intervention in the pupil place market.

**4.2.** To **APPROVE** the focus of support on ensuring sufficient places for children in Rutland only.

- 4.3. To **APPROVE** that the Officers and the Portfolio Holder for Education continue to work with Rutland Schools, Trusts and Federations to review the impact of 'Out of County' pupils on schools.
- 4.4. To **APPROVE** that annual report be submitted to Cabinet starting in 2017 that outlines how the Council are planning to meet the requirements for a 'sufficiency' of schools places across the County based on a 15 year projection.
- 4.5. To **APPROVE** that further reports be provided to Cabinet as follows:-
- (a) A review of SEN provision across the County – November 2016
  - (b) A review of the impact of MOD developments on the viability of schools – November 2016
  - (c) A review of the medium/long term provision of Secondary capacity in Oakham by the end of 2016/17
- 4.6. To **SUPPORT** the creation of additional secondary capacity at Catmose Campus subject to further discussion.
- 4.7. To **APPROVE** in principle (subject to the issues outlined in recommendation 1.1.8 contained within Report No. 154/2016, 4.8 in these decisions) to support and allocate where appropriate Basic Needs Funding for:
- (a) The creation of a new Free School to serve the Oakham area at the Catmose Campus site: and

In accordance with Procedure Rule 11, Recording of Votes, five members of the Council requested that a recorded vote be taken on the above proposition.

The following Members voted in favour of resolution 4.7 a): Mr Baines, Mr Begy, Mr Bool, Mrs Burkitt, Mr Clifton, Mr Conde, Mr Dale, Mr Foster, Mr Gale, Mr Hemsley, Mr King, Mr Lammie, Mrs MacDuff, Mr Mathias, Mrs Stephenson, Mr Wilby.

The following Members voted against resolution 4.7 a): Mr Bird, Mr Callaghan, Mr Oxley, Mr Parsons, Mr Thomas, Miss Waller, Mr Walters.

The following members abstained from voting on resolution 4.7 a): Mr Stewart

- (b) Additional places at Oakham Church of England Primary School

- 4.8. To **APPROVE** 'In principle' support be conditional on satisfactory 'due diligence' and detailed discussions relating to the following issues:
- (a) Timing and number of additional places
  - (b) Balance and level of Basic Needs Funding to the Schools own contribution
  - (c) Value for money considerations
  - (d) Planning risk and viability
  - (e) Development issues including (not exhaustive) – access, parking, drainage
  - (f) Impact on other provision (on site and nearby) including Secondary and SEN

- (g) Breadth of curriculum
- (h) Knock on effect to Out of County pupils and the balance of access to provision by Rutland children

**4.9.** To **APPROVE** that authority to progress and determine 4.7 and 4.8 be **DELEGATED** to the Chief Executive, relevant Directors and Portfolio Holders for Education and Finance and Development.

## **251 REPORTS FROM COMMITTEES OF THE COUNCIL**

### **252 TO RECEIVE REPORTS FROM COMMITTEES ON MATTERS WHICH REQUIRE COUNCIL APPROVAL BECAUSE THE COMMITTEE DOES NOT HAVE THE DELEGATED AUTHORITY TO ACT ON THE COUNCIL'S BEHALF.**

Report No. 178/2016 was received, the purpose of which was for Council to consider the recommendation from the Conduct Committee for the appointment of Councillor Adam Lowe of Oakham Town Council to the Conduct Committee.

The Chair of Conduct Committee, Mr Stewart, introduced the report and moved the recommendations. Mr Bool seconded the recommendations.

During debate of the recommendations points raised included:

- i. A fair and impartial selection process was followed for all candidates that attended the selection panel and Mr Lowe was chosen for the reasons given in the report;
- ii. Uppingham Town Council received the same invite for nominations as Oakham Town Council – the way in which they chose to put Members forward for this vacancy was for each Town Council; and
- iii. The Town Council Representative was a co-opted non-voting member; and
- iv. The report that had been presented to the Conduct Committee on 6 September 2016 had been updated to include the discussion and decision at that meeting.

In accordance with Procedure Rule 48, Section 2 r),i), Mr Baines moved a motion to proceed to the vote. This was seconded by Mr Stewart.

Council **APPROVED** that the recommendations in this report be put to the vote without further discussion.

## **RESOLVED**

To **APPROVE** the recommendation from the Conduct Committee for the appointment of Councillor Adam Lowe of Oakham Town Council to Conduct Committee with immediate effect and that the appointment would be valid until Annual Council 2019.

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In accordance with the provisions of Procedure Rule 11, paragraph 2 – Recording of Votes - Mr Gale requested that his votes against the above resolution be recorded.

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**253 TO RECEIVE REPORTS FROM COUNCIL COMMITTEES ON ANY OTHER MATTERS AND TO RECEIVE QUESTIONS AND ANSWERS ON ANY OF THOSE REPORTS.**

Report No. 162/2016 was received, the purpose of which was to report to Council on the work undertaken by the Audit and Risk Committee in the year 2015/16.

The Chair of the Audit and Risk Committee, Mrs MacDuff introduced the report and moved the recommendations. This was seconded by Mr Lammie.

Mrs MacDuff notified Members that a training session would be held prior to the next meeting in January 2017, there would be a discussion regarding the audit plan and members were encouraged to put forward any areas they would like to see reviewed.

**RESOLVED**

To **NOTE** the work undertaken by the Audit and Risk Committee in the year 2015/16 as detailed in the Annual Report (Appendix B to Report 162/2016).

**254 REPORTS FROM SCRUTINY COMMISSION / SCRUTINY PANELS**

No reports were received.

**255 JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

i. Mr Bool – Combined Fire Authority

Confirmation was given that there was a meeting coming up and a report would be given at the next meeting. There would also be a short presentation from Mr Bool and Mr Mathias at the 12 October 2016 Parish Council Forum to give an update of the Fire Service in Rutland. Members were requested to encourage attendance at this meeting. There would be a rapid response vehicle parked in the car park.

Mr Bool had attended the funeral of the Watch Manager at Castle Donington who had died on duty two weeks ago.

ii. Mr Conde – Rutland Fairtrade Steering Group

The annual sale this year would take place in November at the Castle, Councillors were requested to show their support by attending. Looking to display signs at three entrances to Rutland.

iii. Mr Foster - Charity of Carlton Hayes Hospital

Next meeting would take place in Martinsley on 12 October 2016. Mr Foster would be happy to put forward any ideas regarding the mental health arena if members wanted to put forward suggestions.

**256 NOTICES OF MOTION**

No motions were received.

**257 EXCLUSION OF THE PUBLIC AND PRESS**

## **RESOLVED**

That the public and press be excluded from the meeting in accordance with paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

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Mr Stewart left the meeting at 8.50pm and did not return.

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The Chairman Adjourned the meeting at 8.50pm.

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The meeting was re-convened at 9.50pm.

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## **258 LYNDON TOP**

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After debate and voting on this item the meeting returned to public session

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## **259 ANY URGENT BUSINESS**

No Matters of urgent business were received.

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**The Chairman declared the meeting closed at 9.54 pm.**

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