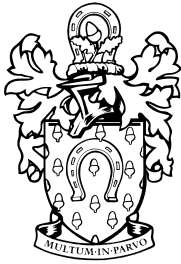


Public Document Pack



Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP
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DX28340 Oakham

Members of Rutland County Council District Council are hereby summoned to attend the **TWO HUNDRED AND FIFTY FIFTH MEETING OF THE COUNCIL** to be held in the Council Chamber at Catmose, Oakham on **14 November 2016 commencing at 7.00 pm**. The business to be transacted at the meeting is specified in the Agenda set out below.

Prior to the commencement of the meeting, the Chairman will offer the opportunity for those present to join him in prayers.

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/haveyoursay

Helen Briggs
Chief Executive

A G E N D A

1) APOLOGIES

To receive any apologies for absence from Members.

2) CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements by the Chairman.

3) ANNOUNCEMENTS FROM THE LEADER, MEMBERS OF THE CABINET OR THE HEAD OF PAID SERVICE

To receive any announcements by the Leader, Members of the Cabinet or the Head of Paid Service.

4) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

5) MINUTES OF PREVIOUS MEETING

To confirm the Minutes of the 254th meeting of the Rutland County Council District Council held on 12 September 2016.

6) PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC

To receive any petitions, deputations or questions received from members of the public in accordance with the provisions of Procedure Rule 28. The total time allowed for this is 30 minutes. Petitions, deputations and questions will be dealt with in the order in which they are received and any which are not considered within the time limit shall receive a written response after the meeting.

7) QUESTIONS FROM MEMBERS OF THE COUNCIL

To receive any questions submitted from Members of the Council in accordance with the provisions of Procedure Rules 30 and 30A.

8) REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL (Pages 5 - 28)

To determine matters where a decision taken by a Committee has been referred to the Council in accordance with the provisions of Procedure Rule 110.

1) Development Control and Licensing Committee – 25 October 2016

To receive Report No. 203/2016 from the Director of Places relating to planning application 2016/0872/FUL – Proposed Extension to Oakham Library.

9) CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 10 SEPTEMBER 2016 to 11 NOVEMBER 2016 (INCLUSIVE)

To determine matters where a decision taken by the Cabinet has been referred to Council by the call-in procedure of Scrutiny Panels, as a result of the decision being deemed to be outside the Council's policy framework by the Monitoring Officer or not wholly in accordance with the budget by the Section 151 Officer, in accordance with the provisions of Procedure Rules 206 and 207.

10) REPORT FROM THE CABINET (Pages 29 - 36)

To receive Report No. 200/2016 from the Cabinet on recommendations referred to the Council for determination and to note the Key Decisions taken at its meetings held on 20 September 2016 and 18 October 2016.

11) REPORTS FROM COMMITTEES OF THE COUNCIL (Pages 37 - 46)

- a. 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.

- i. Report of the Rutland Health and Well Being Board – Revised Terms of Reference.
- b. To receive reports from Council Committees on any other matters and to receive questions and answers on any of those reports.

12) REPORTS FROM SCRUTINY COMMISSION / SCRUTINY PANELS

To receive the reports from the Scrutiny Commission / Scrutiny Panels on any matters and to receive questions and answers on any of those reports.

13) JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

To receive reports about and receive questions and answers on the business of any joint arrangements or external organisations.

14) NOTICES OF MOTION (Pages 47 - 48)

To consider the Notice of Motion submitted by Councillor Gale Waller and seconded by Councillor Kevin Thomas in accordance with Procedure Rule 34, the text of which can be found in the agenda pack.

15) UPDATE: COMMUNITY GOVERNANCE REVIEW OF BARLEYTHORPE AND OAKHAM NORTH WEST (Pages 49 - 60)

To receive Report No. 206/2016 from the Director for Resources.

16) CHANGES TO THE CONSTITUTION (Pages 61 - 68)

To receive Report No.204/2016 from the Monitoring Officer.

17) ANY URGENT BUSINESS

To receive items of urgent business which have been previously notified to the person presiding.

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TO: MEMBERS OF THE COUNCIL

Mr K Bool – Chairman of the Council
Mr E Baines – Vice-Chairman of the Council

Mr N Begy
Miss R Burkitt
Mr R Clifton
Mr W Cross
Mr R Foster
Mr O Hemsley
Mr J Lammie
Mr A Mann
Mr M Oxley

Mr O Bird
Mr B Callaghan
Mr G Conde
Mr J Dale
Mr R Gale
Mr T King
Mrs D MacDuff
Mr T Mathias
Mr C Parsons

Mrs L Stephenson
Mr K Thomas
Mr A Walters

Mr A Stewart
Miss G Waller
Mr D Wilby

---oOo---

THE COUNCIL'S STRATEGIC AIMS

Sustainable Growth

Safeguarding

Reaching our Full Potential

Sound Financial and Workforce Planning

COUNCIL

14 November 2016

2016/0872/FUL - PROPOSED EXTENSION TO OAKHAM LIBRARY ITEM REFERRED FROM DEVELOPMENT CONTROL AND LICENSING COMMITTEE

**Report of the Director for Places
(Environment, Planning and Transport)**

Strategic Aims:	Sustainable Growth	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Terry King, Portfolio Holder for Finance and Development	
Contact Officer(s):	Dave Brown, Director for Places (Environment and Transport)	Tel: 01572 758461 dbrown@rutland.gov.uk
	Gary Pullan, Development Control Manager	Tel: 01572 720950 gpullan@rutland.gov.uk
Ward Councillors	Mr T Mathias and Mr B Callaghan	

DECISION RECOMMENDATIONS

The Council approves the planning application 2016/0872/FUL in accordance with the recommendation and conditions set out in the original report to the Development Control and Licensing Committee.

1. PURPOSE OF THE REPORT

- 1.1. At the meeting of the Development Control and Licensing Committee (DCL) on 25 October, members resolved to refuse planning permission for the extension of the Oakham Public Library to form a Children's Centre. In accordance with the Council's constitution, that decision has been referred to Council by 4 members of the Committee. The purpose of this report is to expand on the issues that were put forward as reasons for refusal and to seek Council approval for the planning application.
- 1.2. The report to the DCL is attached at Appendix 1.

2. BACKGROUND AND MAIN CONSIDERATIONS

- 2.1. Members resolved to refuse planning permission for 3 main reasons based on the following:
- Design
 - Impact on the character and appearance of the Conservation Area and;
 - Safety of children crossing the local roads to access the building.
- 2.2. Officers did not consider that these were issues that would merit a refusal of planning permission, for the reasons set out in the original report. Further comments on these 3 reasons is set out below.

3. DESIGN AND IMPACT ON CONSERVATION AREA

- 3.1. The design includes a parapet roof, to match that on the existing building with a flat roof hidden at a lower level behind it. Members of DCL were concerned about a flat roof in the Conservation Area but this would not be seen, and would be exactly the same as in the case of the existing building. The rooflights would not be seen beyond the parapet. Over two thirds of the existing library roof is flat but similarly hidden from view.
- 3.2. Vertical cedar timber cladding has been chosen for the exterior material due to the difficulties in matching the brick on the main building. This would complement the timber cladding found above the windows on the existing building, whilst the design and proportions of the new fenestration would reflect that on the main Library.
- 3.3. The extension would be set back 0.5m from the front façade of the Library facing Catmos Street. The articulation between the Library and the extension is dealt with by a glazed entrance way, providing a clear break between the timber cladding and the brickwork on this main façade. The carriageway and footpath to Catmos Street runs at an angle to the façade of the Library such that at the point that the extension meets the existing building, it is approximately 11m back from the rear of the footpath. At the southern end it is approximately 20m back and set behind the maturing tree screen. On that basis the extension would not be prominent within the street scene.
- 3.4. From further south, the extension is largely screened from view by both the tree screen and the stone/mud wall which separates the site from the open space on the corner of Stamford Road.
- 3.5. The external layout has changed slightly since the meeting of DCL and the revised details are now included in the Appendix to the original report. The 2 parking spaces have been removed as have the wall and gates alongside the play area. It is now proposed to have gates at the entrance to enclose the rear of the site completely from Bull Lane. The highway authority has no objections to the amendment.

4. CONSERVATION ADVISORS SPECIFIC COMMENTS

- The application proposes an extension to Oakham library, a late 20th century building occupying a prominent position within the Oakham Conservation Area on the north side of Catmos Street. It is a single-storey building constructed primarily of brick and has a distinctive, lead-covered, pyramidal roof.
- On the opposite, south side of Catmos Street there are three listed buildings whose setting could potentially be impacted upon by the proposed development, No.16 (Grade II), the Former Judges Lodgings (Grade II*) and 4 Catmos Street (Grade II).
- It is proposed to add an extension on to the eastern side of the existing building, on an area currently given over to vehicle parking and grass. This area is enclosed on its eastern and northern sides by 1.8 - 2.0m high walls but is open on the southern, street frontage side. The extension would have a flat roof and be externally clad with vertical timber boarding. The windows, with powder-coated aluminium frames, would have a vertical emphasis, similar to the library, which is a welcome feature of the design and the overall height is the same as the flat roof sections of the existing building.
- The proposal to enclose the gap between the eastern boundary wall and proposed extension is also welcome, subject to confirmation of materials, as it will conceal from general view the activities to the rear.
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, when exercising their planning functions in respect of development in Conservation Areas to have regard to the desirability of preserving the character and appearance of the designated area. It is questionable whether the proposed development will preserve the character and appearance of this part of the Conservation Area. However, whilst there will be a degree of harm, it will be less than substantial and in such cases the NPPF requires that the harm is weighed against any public benefits arising from the facilities to be provided. Whether the benefits in this instance are significant enough to outweigh the harm is a decision for others.
- I would suggest that better visuals are sought to illustrate how the proposed external finishes will sit with those of the existing library. I also suggest that a large scale representative section be provided to better confirm the detailing of the external walls, which is somewhat uncertain at present, particularly insofar as the roof parapet and plinth are concerned.
- I note that the building will include rooflights to provide daylight to the central part of the building. It is possible that these would be visible above the shallow parapet. Perhaps details could be provided to confirm whether or not they will be visible and, if so, by how much and what will they look like?
- One final suggestion, the main entrance might be better defined by say the inclusion of a lead-capped pediment above the glazed doors with the tympanum, the triangular space below, used for lettering.

- Whilst I appreciate that there are tight financial constraints involved with this project, I question the appropriateness of timber cladding for such a sensitive location as it is not a typical local material. However, if the building is to be clad in timber it will be necessary to ensure that the finish is carefully considered and that there is regular maintenance as this material is likely to deteriorate and become unsightly quicker than say brick.
- 4.1 These comments are in general support of the proposal and the concerns regarding the detail of the timber cladding are addressed through the imposition of a condition.
- 4.2 It is concluded therefore that, whilst the proposal, as an extension to a non-historic building in the conservation area will not positively preserve or enhance the character of the Conservation Area, the proposal would not be unduly prominent in the street scene, being well screened and the clear public benefit that would accrue from the building is sufficient to outweigh any impact.

5. HIGHWAY SAFETY

- 5.1. The applicant has stated that 10 parking spaces would be reserved for visitors to the centre in the Museum Car Park across the road from the site. This would be only 120m from the car parking spaces to the front door of the facility. Only one road crossing is necessary to reach the building, where a central refuge is available.
- 5.2. The new building would be used by younger children accompanied by their parents. There would be no children visiting the centre alone. This would inherently make the approach to the centre safer as children would be supervised.
- 5.3. There is inadequate parking on the Library site to allow staff and visitors to park on site for the existing facility. The proposal will involve the loss of 5 spaces and a mobile library space. This will mean less traffic having the potential to use Bull Lane. Bull Lane is subject to parking restrictions which mean that vehicles cannot park there. When the library was first built, parking was provided on Bull Lane but following the construction of dwellings on Alwyne Close, parking restrictions were imposed on the road.
- 5.4. There is an existing garage on the Bull Lane side of the building where the current mobile library vehicle is kept. The old disused mobile library vehicle is currently kept at Oakham Enterprise Park prior to its sale.
- 5.5. The highway authority has examined accident records for the area which are reproduced in Appendix 2.
- 5.6. In relation to other highway issues, the highway authority has provided the following additional information:
- 5.7 We hold no current speed survey data in this area, but due to proximity of junctions and roundabouts, speeds would be low.

- The proposal will not create a significant increase in pedestrian traffic, as the Council offices, library and museum already create the majority of pedestrian traffic.
- Crossing pedestrian assessments will be made before the Council meeting, but I believe that all crossings between the museum car park and the library are sufficient for current and proposed usage.
- The crossings on Catmose St and Stamford road all have a pedestrian refuge, meaning only one lane of traffic is crossed at a time.
- Vehicle movements in these locations are fairly low, with significant gaps between vehicles allowing good opportunities for safe crossing.
- Children's Services claim 75% of users of the centre travel by car. These users will use car park at Museum. The centre should be signed to direct users across Catmose St & Stamford Rd

Possible Zebra Crossings

- Stamford Rd/Catmose St - zebra crossings are not suitable due to proximity to roundabout (and existing crossings are adequate)
- Stamford Rd – could not site a zebra crossing further away from roundabout due to visibility issues deteriorating due to bend.
- Burley Rd/Catmose St – zebra crossing not suitable as too close to roundabout – drivers looking at 3 arms of traffic would not readily notice pedestrians, who may assume right of way (wrongly)
- Burley Rd/Catmose St – placing zebra crossing between 2 roundabouts would result in loss of parking, as pedestrians need to be positioned at roadside edge for max visibility, requiring island build outs. Zebra would only be a max of 50m from existing crossing points, and signage can be used to influence desire lines.

Parking

- 10 dedicated spaces will be created adjacent to the museum, time limited between Mon-Fri 8-17:00
- 10+ mitigating spaces will be created in Catmose prior to the opening of the Centre.
- Existing restrictions exist to Bull Lane to prevent ad-hoc parking, but these do not prevent loading/drop-off functions.
- The junction of Burley Rd/Catmose Street will be addressed as part of the town centre scheme, but there are no 'quick fixes' to this area prior to opening of Children's Centre, but as stated above, most users will approach from opposite direction.

5.8 This evidence supports the conclusion in the original DCL report that there are no highway safety grounds for refusing this proposal.

6. CONSULTATION

6.1. Questions were raised at DCL about consultation with all local residents.

- 6.2. The planning application was subject to the statutory consultation procedures set out in the Town & Country Planning (Development Management Procedure) Order 2015. The primary consultation is by site notice whilst some nearby dwellings were notified by letter. The Councils Statement of Consultation - Publicity for planning applications (2015) states that only property sharing a common boundary with an application site will be notified by letter. As no properties actually adjoin the library, an exception was made in this case, notifying 5 nearby dwellings direct. The proposal was also advertised in the local press.
- 6.3. This consultation is different to a wider consultation with the public and potential users of a facility that could be undertaken by any applicant as a separate exercise outside of the planning process. Such an exercise is not a requirement of the planning process and has no bearing on a planning decision.

7. LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1. The application has been referred by 4 members following the resolution of DCL to refuse planning permission. Part 3(1)(2)(i) of the constitution sets out that Council is responsible for determining development proposals in the event of a conflict between the Committee and an application submitted by the Cabinet.

8. EQUALITY IMPACT ASSESSMENT

- 8.1. No impact. A planning permission would enable the use of the proposed extension by all members of the community.

9. COMMUNITY SAFETY IMPLICATIONS

- 9.1. Highway safety implications are set out in the original report and above

10. CONCLUSION

- 10.1. The issues set out above and in the original report to DCL have been satisfactorily addressed and there are no valid planning reasons for refusing planning permission in this instance. Other issues surrounding the internal management of the overall site, the applicant's choice of site and decisions that led to the submission of this application are not planning considerations and must be given no weight in this decision.

11. BACKGROUND PAPERS

- 11.1. Planning application 2016/0872/FUL

12. APPENDICES

12.1. Appendix 1 – Report to Development and Licensing Committee 25 October 2016.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

APPENDIX 1

Application:	2016/0872/FUL	ITEM 1	
Proposal:	Erection of a building adjacent to the library building with a link structure to the library, to house Children's support services activities, including associated access paths and ramps, boundary walling and gates to form a secure play area (Regulation 3 Planning Application)		
Address:	Oakham Library, Catmos Street, Oakham, Rutland		
Applicant:	Rutland County Council	Parish	Oakham
Agent:	Mr John Wright, Weston Allison Wright	Ward	Oakham South East
Reason for presenting to Committee:	Council's own application		
Date of Committee:	25 October 2016		

EXECUTIVE SUMMARY

The proposed building is designed as a modern contemporary addition to the library using complementary materials. It has been designed to articulate with the original building but would have a marginally harmful appearance in the Conservation Area. This is outweighed by the provision of a service to the wider public benefit. Parking provision would be in the nearby town centre car parks and it is unlikely that there would be any undue disturbance to nearby dwellings.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3945/07A, 3945/008B, 3945/009A and 3945/010A.
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development shall be commenced on the superstructure of the building until precise details of the manufacturer and types and colours of the external facing, roofing and fenestration materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason - To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. No development shall take place until all existing trees between the south west elevations of the library and the proposal and the rear of the footpath on Catmos Street, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall

previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the Oakham Conservation Area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

Note to Applicant:

- During the development the areas within the site identified for the purpose of loading/unloading and manoeuvring should be provided and retained at all times for that sole purpose.
- The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.

Site & Surroundings

1. Oakham Library is situated on Catmose Street and is a late 20th century building occupying a prominent position within the Oakham Conservation Area on the north side of Catmose Street. It is a single-storey building constructed primarily of brick with narrow vertical fenestration with brick plinths and wooden panelling above and has a distinctive, lead-covered, pyramidal roof. The site is open to the highway with soft landscaping and trees contributing to its setting in the street scene.
2. There is a grassed area to the south of the building, between which are limited parking spaces and space for a mobile library. This land is at a lower level than Catmose Street. The southern boundary of the site is defined by a cob wall which is a remnant of older buildings demolished to make way for the library and a wider Catmose Street.
3. On the opposite (south) side of Catmose Street there are three listed buildings, No.16 (Grade II), the Former Judges Lodgings (Grade II*) and 4 Catmose Street (Grade II).

Proposal

4. The proposal is to extend the building on the south west corner for a new childrens centre. It is proposed to erect a modular build structure adjacent to and linked to the Library for use as a Children's Centre. The building will be largely located within the car park/grassed area to the rear of the library. The floor space is 200m², replacing the existing facility at Catmose Campus which is only 150m².
5. External cladding is specified as timber with brick plinths. There would be a flat roof with roof lights behind a small parapet, similar to the existing peripheral parts of the library. Fenestration would follow a similar theme to the original building to reflect its character.
6. There would be a small external play area of approximately 75m².
7. Details are shown in the **APPENDIX**.

Relevant Planning History

Application	Description	Decision
85/71	Erection of County Library	Approved April 1971

Planning Guidance and Policy

National Planning Policy Framework

Supports the principle of sustainable development
Section 7 - Requiring good design
Section 12 – Conserving the historic environment

The Rutland Core Strategy (2011)

CS4 – Location of Development
CS19 – Promoting Good Quality Design
CS22 - The Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

SP5 – Built Development in Towns and Villages
SP15 – Design & Amenity
SP20 – Historic and Cultural Environment

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, when exercising their planning functions in respect of development in Conservation Areas to have regard to the desirability of preserving the character and appearance of the designated area.

Consultations

8. Oakham Town Council
Recommend Refusal on the grounds of lack of future expansion, inadequate parking for staff, visitors and drop off areas.
9. RCC Highways
Highways have been in correspondence with the Project Manager regarding construction traffic. As part of the tendering process a traffic management plan will be designed and agreed prior to the commencement of any works; this will help to ensure the safe ingress and egress of construction traffic from Bull Lane.

No objections subject to the following notes to applicant:

- During the development the areas within the site identified for the purpose of loading/unloading and manoeuvring should be provided and retained at all times for that sole purpose.
- The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.

Neighbour Representations

10. 3 objections have been received from local residents. The comments are summarised as follows:

Planning Issues

- The outside proposed areas will create noise to the nearby residents and others that enjoy sitting in the garden areas around the library, the seating provided is much used by tourists and town people.
- The Library area is one of the most pleasant places in Oakham and by extending outward toward Catmos Street it will diminish the attractiveness of Oakham
- Disturbances with dropping off. Bull Lane to Burley road is hazardous.
- Blocking Bull Lane with illegal parking
- Difficult to access the proposed site across busy main roads particularly in winter
- Siting at this location contravenes RCC policy to improve transport access to health and social care facilities outlined in the spatial issues in the RCC Local Plan,
- The site is within the Oakham Conservation area, and the proposed play area seems to be bounded by an ancient mud wall. Extending a building which already does not sit particularly well in a conservation area, using modular construction is compromising the very nature of the area. This is in direct contradiction of The National Planning Policy Framework that clearly states in Conservation Areas the local planning authority should take account of - the desirability of a new development making a positive contribution to local character and distinctiveness

Non-Planning Issues

- The present centre at Catmose College was purpose built for the need of Visions for the young families, children and their support teams
- To move from a purpose built building, with unrestricted parking, in a growing town, and therefore a growing need, to a facility with limited access across busy main roads is dangerous, illogical and wrong.
- Integrating the two takes away the main concept of a library which is to provide a quiet undisturbed place.
- The ever expanding town means the proposal will very soon need to be extended
- The enormous costs should necessitate a long term project which would be better sited where expansion in the future will be possible.
- The centre is there to serve all of Rutland, the Enterprise park, Rutland Memorial Hospital and the old Sixth Form site at Barleythorpe are obvious choices
- Why has this planned project been kept under wraps until the last minute, all councillors and members of the public should have been in consultation from the first thoughts. We vote our councillors in to represent us, this clearly is not happening.

Planning Assessment

11. The main issues are design and impact on the character of the conservation area, residential amenity and highway safety.
12. Issues surrounding possible alternatives and the cost and management of the proposal are not planning matters. For information only, the background and consideration of alternatives is set out in the Report to Cabinet on 20 September 2016. The current application has to be considered on its merits as it stands.
13. Initial planning advice indicated that in order to break up the impact of the build, a

contrasting finish should be considered, and the unit should be stepped back from the line of the existing building which the proposal does seek to do. The entrance located between the existing building and the extension affords an ideal opportunity for a link between the two whilst separating any continuation of materials that might otherwise be difficult to match.

14. The Design and Access Statement confirms that the building has been designed to follow the overall form of the existing building such that it would have simple elevations and window layouts to match. Matching the 1970's brickwork would be difficult so the vertical timber cladding has been chosen as a contrast whilst keeping the form of the building similar to the original in terms of scale and pattern of fenestration.
15. The overall form of the extension follows pre-application advice and is acceptable.
16. The Oakham Library site was effectively stripped of almost all heritage assets when it was cleared for development in the 1970s. The only remaining historic element, the cob wall at the rear of the library will be fully retained as part of the scheme.
17. The submitted Heritage Impact Assessment acknowledges that the proposed development will not fully preserve the character and appearance of this part of the Conservation Area. However, whilst there will be a degree of harm, it will be less than "substantial". In such cases the NPPF requires that the harm is weighed against any public benefits arising from the facilities to be provided.
18. The scheme has a marginally adverse impact on the character of the Conservation Area but it is proposed to be a building that provides services for the wider public benefit. This is sufficient to outweigh the harm to the Conservation Area.
19. There are listed buildings on the opposite side of Catmos Street. The site is partially screened by trees on the Library site, located between the site and the footpath. The Library itself would have had a harmful impact on the setting of the listed buildings opposite, with considerable harm coming from the demolition of the original buildings on site. The design of the proposal, to be in keeping with the existing building, will not materially increase that harm and again the public benefit to be derived from the proposal outweighs the harm it would have.

Residential Amenity

20. There have been objections on the grounds of residential amenity. The building itself is around 30m from the nearest house on Bull Lane and 50m from the nearest property in Lodge Gardens so the use of the building itself is unlikely to cause disturbance. The use of the external areas for play could potentially cause noise. The site is surrounded by a high wall and outdoor play would be supervised. Any noise created by outdoor play would be against the higher background levels in this town centre location this is not therefore an issue that should be given significant weight.

Highway Issues

21. The proposal involves the loss of 4 parking spaces adjacent to the grassed area, although 2 spaces are shown as being retained adjacent to the rear of the extension. The applicant has confirmed that spaces will be provided in the 4 public car parks within 200m of the site. The site is more accessible by public transport than the current site or other out of town sites and is thereby much more sustainable and reflects the approach set out in the NPPF. There are also parking bays outside the site on both sides of Catmos Street which can be used for parking and drop off. There are parking

restrictions in Bull Lane which will remain in force.

22. Policy SP15 (I) states that in Oakham town centre, the application of the normal standards can be varied in order to reflect the accessibility of a site by non-car modes.
23. On that basis the highway authority has no objections to the scheme.

Other Matters

24. The extension and its internal spaces would be separated from the main library, mainly by the entrance/foyer together with other rooms. It is unlikely therefore that the use of this extension would conflict with the quiet library space. This site has been chosen so that access to the site by children and parents is easy when in the town centre and saves additional journeys elsewhere. These are not planning matters but the point is made for clarification.

Addendum Report

Further information from applicant

Management of the Centre

For information, the applicant has provided the following additional information regarding the operation of the extension:

‘The centre caters predominantly for families with children under 5 years of age, this includes small groups that provides support and advice for parents and also support for child development including ante-natal, speech and language, child learning through play and rhyme, health checks etc.

The groups run throughout the week but not 9-5, one day may have only 1 session on and others 2 sessions. It is not like a nursery or school with children running around all day, sessions are between 1-2 hours maximum in length and in general cater for younger children.

Groups can be very small from 5 parents and small children up to about 15 parents. The service tends to have clients with much younger children and therefore it is not envisaged there will be a high volume of toddlers running around the library. There will be separate entry and the outside space will provide an early opportunity for children and toddlers to explore and learn but this will not be a free for all. All sessions are staffed to ensure safety and safeguarding and attendance in many instances requires booking. Many other sessions include one to one health checks.

Therefore in summary there will be no significant impact on the library – at present the library caters for young families through the very popular rhyme time sessions which in many way are no different to what we offer – in fact we co fund them as they achieve the same goals.’

Parking

The applicant has also clarified that it has been decided that 10 spaces for visitors will be reserved in the Museum Car Park during office hours only, behind the wall opposite Catmose. These will be replaced by re-arranging the car parking in Catmose Office Car Park.

Accident Report

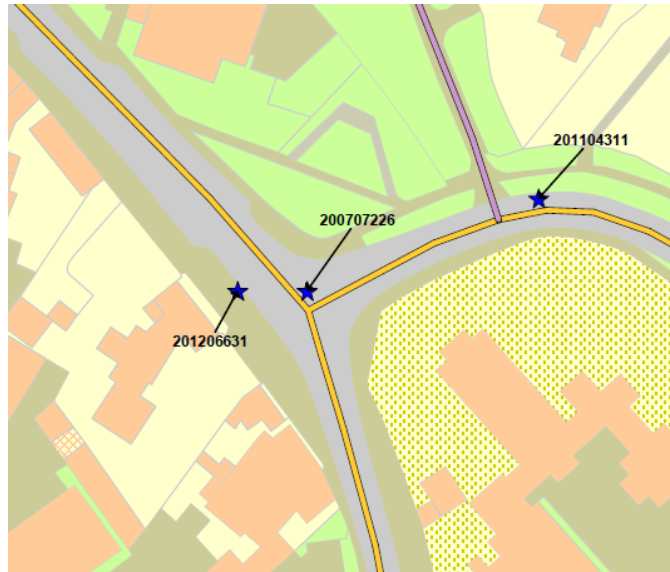
The accident report has been taken for the Catmose Street and South Street junction, Stamford Road roundabout, and Burley Road roundabout; during 2006 to 2016. There are no recorded accidents on the Catmose Street and South Street junction.



There were 3 recorded accidents at the Stamford Road roundabout during a 10 year period; these were all recorded as slight accidents.

- Accident 201104311 suggests the accident was caused due to a slippery road and the driver travelling too fast for the conditions.
- Accident 201206631 suggests that accident was caused by carelessness and recklessness of the driver.
- Accident 200707226 was an accident between a cyclist and a car negotiating around the roundabout.
-

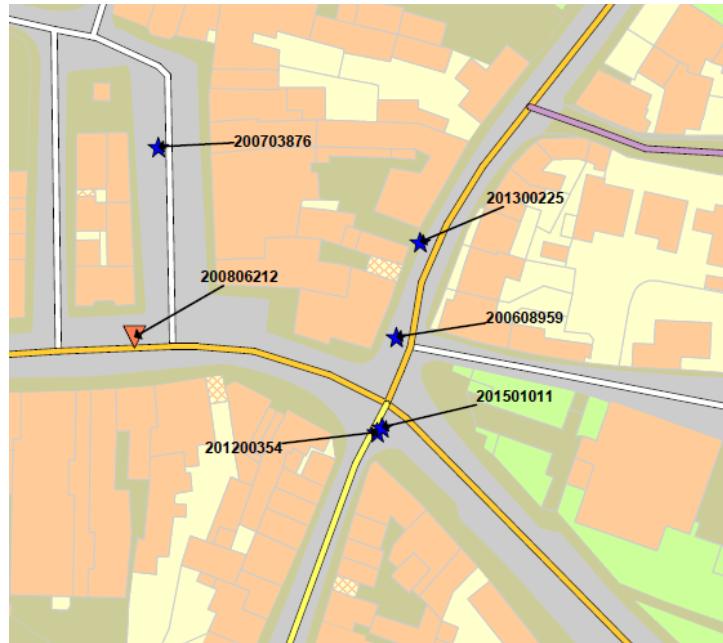
These accident records demonstrated that there have been no direct accidents involving pedestrians and vehicles at the Stamford Road roundabout.



4 accidents have been recorded at the Burley Road roundabout during a 10 year period; these were recorded as slight accidents.

- Accident 201300225 involved a vehicle pulling out of a car park with restricted view and colliding with a passing vehicle.
- Accident 200608959 involved a driver losing control of their vehicle around the roundabout due to poor manoeuvring. The vehicle hit a pedestrian on the footpath and was only slightly injured. The accident occurred due to driver error and not the road conditions/layout
- Accident 201501011, was caused due to a slippery road surface and a cyclist falling off their bike on the roundabout
- Accident 201200354 two vehicle collide at the roundabout due to failing to look properly and failing to judge another drivers speed
- Two other accidents are recorded within this area, however they are not associated with the roundabout on Burley Road, and do not involve pedestrian movements
-

These accident records demonstrated that there have been no direct accidents involving the pedestrians and vehicles at the crossing points at Burley Road roundabout



Stamford Road Roundabout

This roundabout consists of three arms. Each arm has a well-lit pedestrian refuge island; which ensures pedestrians only need to cross one lane of traffic at a time. Within the Department Advice Note TA 12/81 it states that the required pedestrian visibility splay for a vehicle approaching the junction at 25mph is 40m. The Catmose Street Junction benefits from good visibility splays in all directions. The splays range from 40m to over 90m in various directions. Therefore it is deemed that the crossing points at this location are suitable for the users of the proposed development. This roundabout will be used by users parking at Catmose Street car park, South Street car park, and Brooke Road car park.

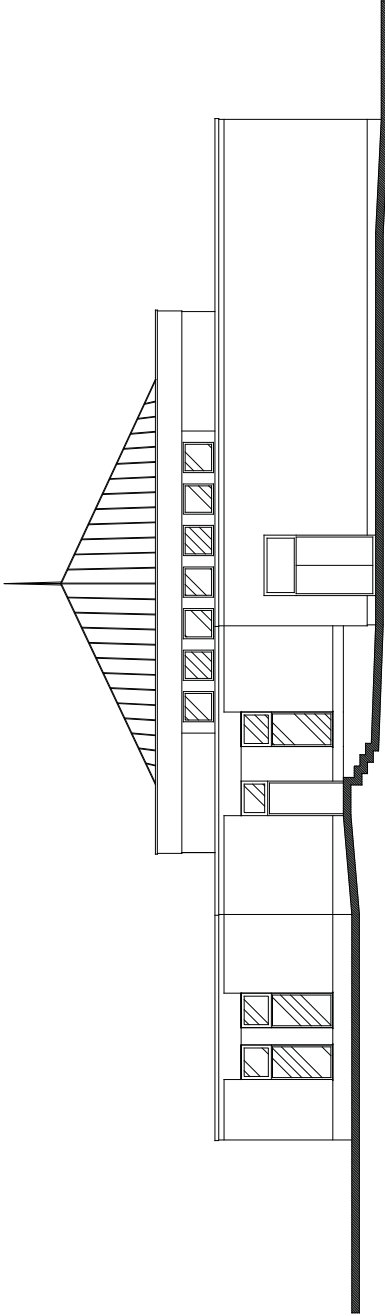
Burley Road Roundabout

This roundabout consists of four arms. The arm on Catmose Street has a well-lit refuge island and the arm on High Street has a pelican crossing. The arm on Burley Road and Mill Street does not benefit from identified pedestrian crossings. User of the service parking at Brooke Road car park are able to use the pelican crossing on South Street and then use the pedestrian refuge island to cross Catmose Street. There is not an identified crossing point from the Burley Road car park; however users will be able to cross on Burley Road where the visibility splays are good. If users of Burley Road car park are concerned about crossing near the roundabout they could use the pelican crossing on High Street and cross Mill Street and then use the refuge island on Catmose Street. This method for crossing the road can also be used by users of Church Street car park. The roundabout does not provide pedestrian crossing points on each arm; however there are alternative routes pedestrians can take to cross the road safely where visibility splays are better.

REVISED PLAN

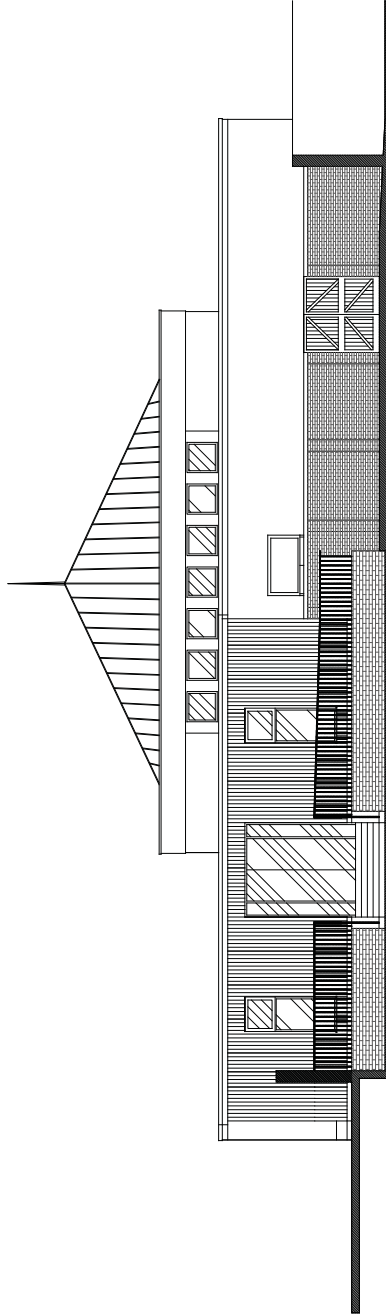
2016/0872/FUL

Rec'd 16/09/16



East Elevation Existing

21



East Elevation Proposed

Date 09/09/16	Client Rutland County Council	Project title Oakham Children's Centre	Drawing title East Elevation Existing and Proposed	Rev A 16.09.16. Amendments, in response to planning letter	Drawing No. 3945/009	A2
Drawn JCW	Client Rutland County Council	Project title Oakham Children's Centre	Drawing title East Elevation Existing and Proposed	Scale 1:100	Scale 1:100	Rev A
Checked JW	Client Rutland County Council	Project title Oakham Children's Centre	Drawing title East Elevation Existing and Proposed	Project Oakham Children	Project Oakham Children	Project Oakham Children







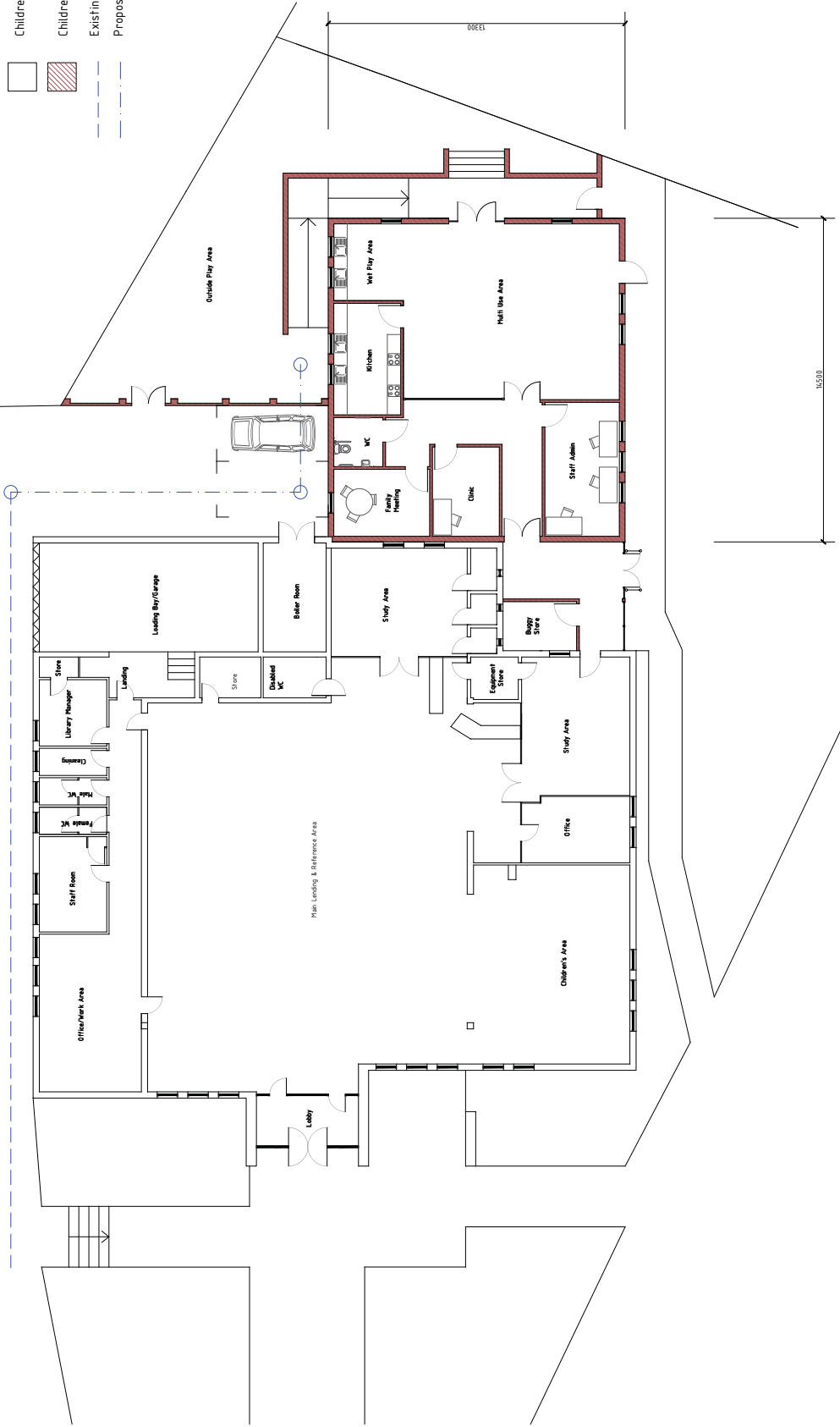
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REVISED PLAN
 2016/0872/FUL
 Rec'd 16/09/16

APPENDIX 1(i)



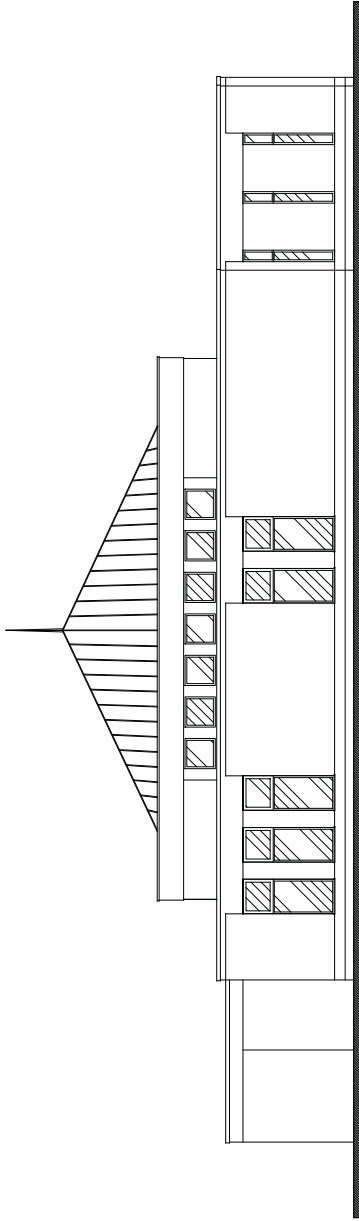
-  Children's Centre Existing
-  Children's Centre Proposed
-  Existing Foul Drainage
-  Proposed Foul Drainage



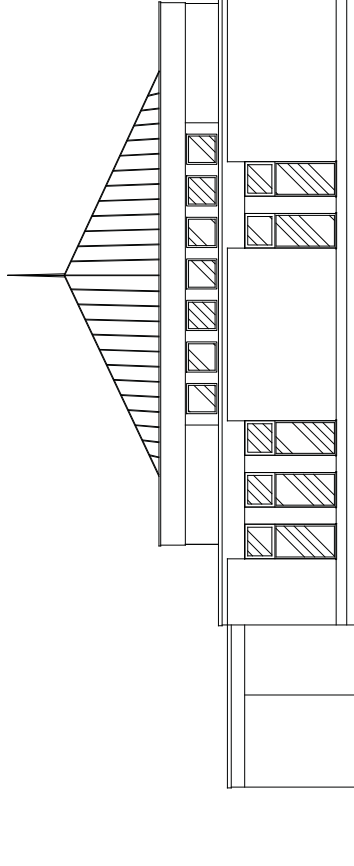
	Date	09/09/16	Drawn	JW	Project Title	Oakham Children's Centre	Drawing Title	Floor Plan as Proposed	Client	Rutland County Council	
	Checked	JW					Amendments in response to planning letter		Rev	A	
								16/09/16			
								3945/07		Drawing No	
								1:100		Scale	
								Oakham Children		Project	
								A1		Rev	


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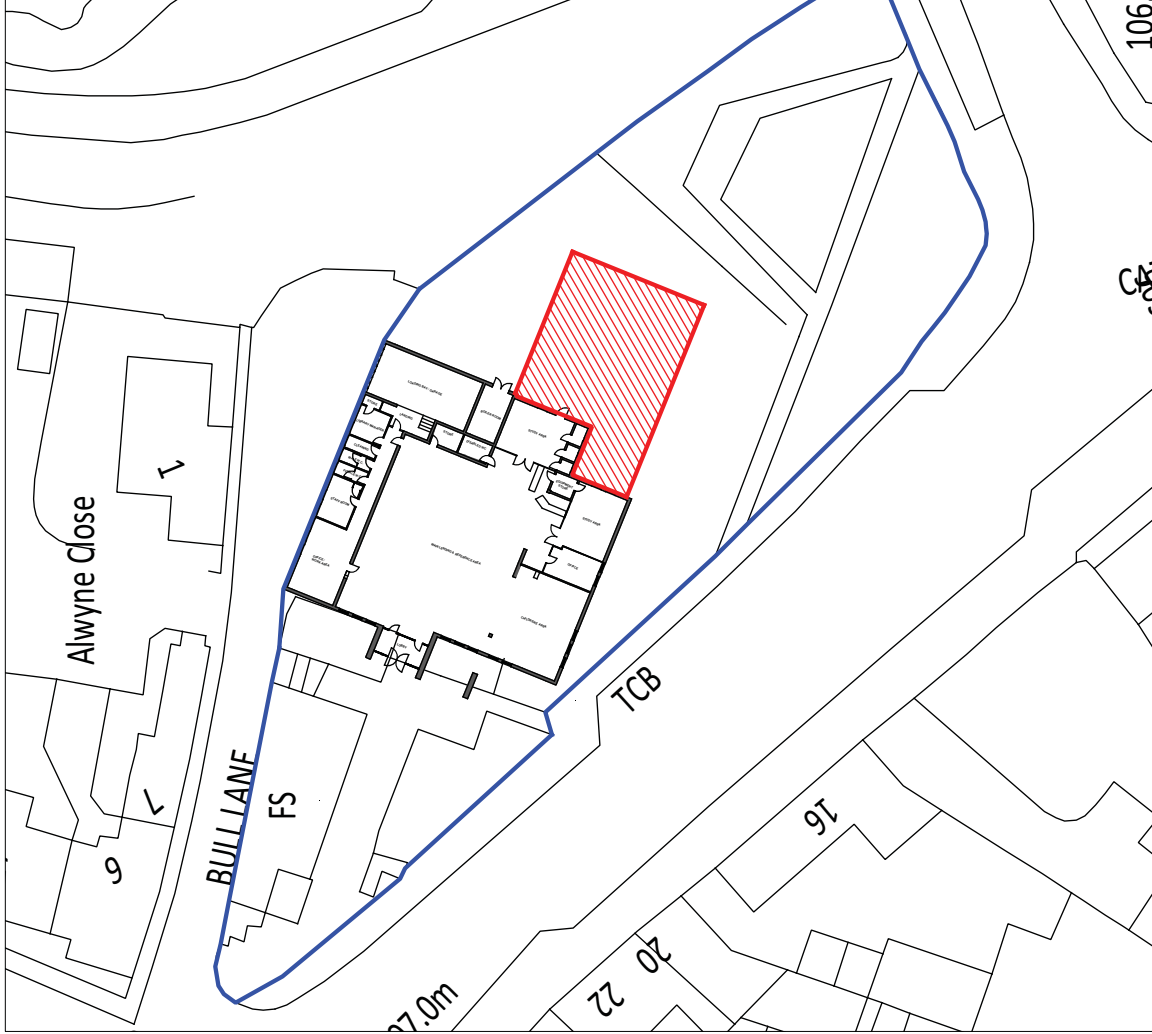
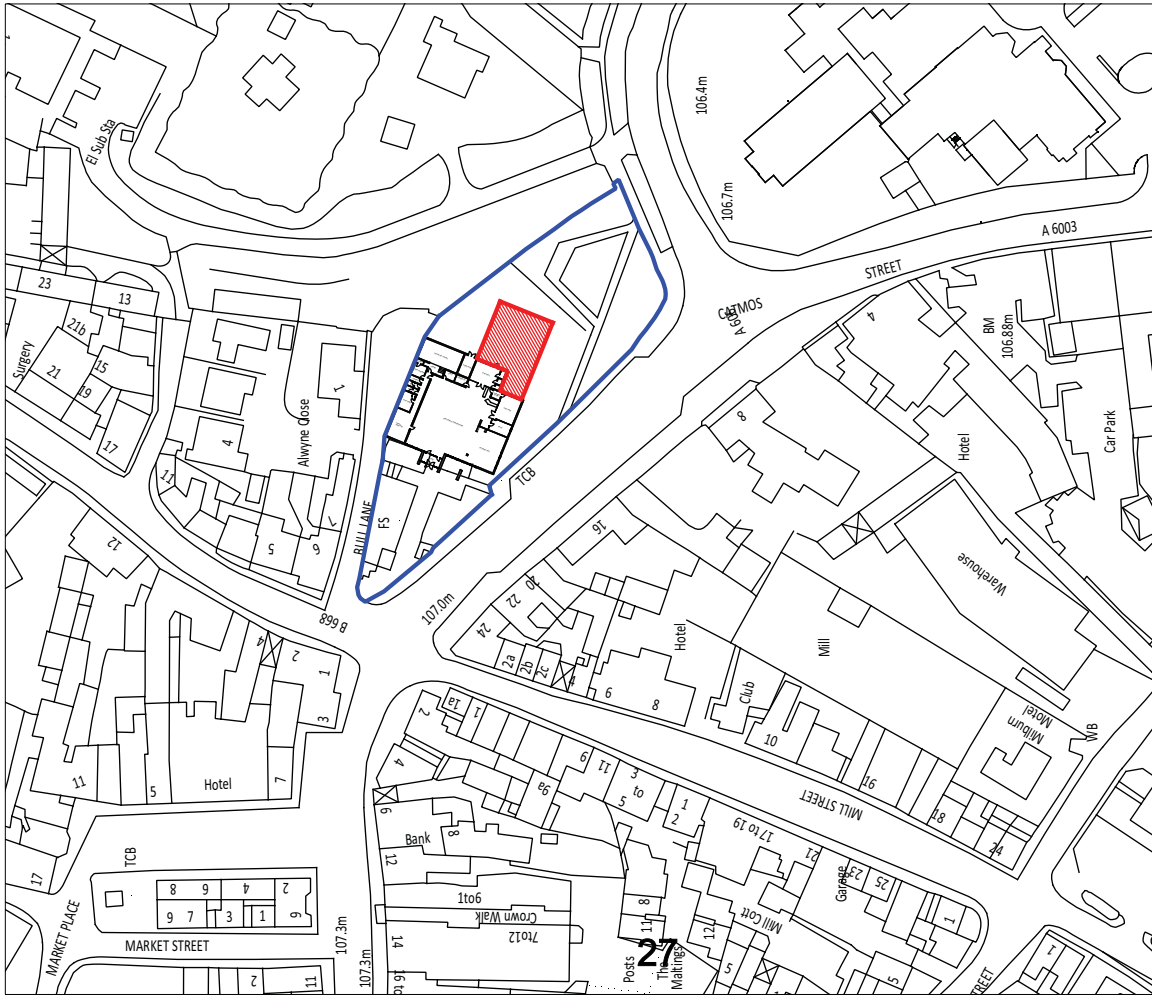
South Elevation Existing



South Elevation Proposed

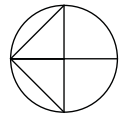
Date 09/09/16	Client Rutland County Council	Project Title Oakham Children's Centre	Drawing Title South Elevations Existing & Proposed	Rev A 16.09.16 Amendments in response to planning letter	Weston Allison Wright Architects 15-16 The Square Oakham, Rutland, LE15 7JH Tel: 01509 48327 E: info@westonwright.co.uk www.westonwright.co.uk	Drawing No. 3945/010	A2
Drawn JCW	9 metres @ 1:100 5 metres @ 1:50 2 metres @ 1:20					Scale 1:100	Rev A
Checked JW	0 1 2 3 4 5 6 7 8 9 metres @ 1:100 0 0.5 1 2 metres @ 1:20 0 1 metre @ 1:10					Project Oakham Children	

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Location plan 1:1250

Block plan 1:500



Date	09/09/16	Scale	as shown	0 2 4 6 8 10 metres @ 1:200	0 2 4 6 metres @ 1:100	Project Title	Oakham Children's Centre	Drawing No.	005	Rev		A3	
Drawn		Job no.	3945			Drawing Title	Location & block plans	 WESTON ALLISON WRIGHT <small>College Farm, Meers Ashby Road, Sywell, Northampton NN8 6BL T:01604-491227 E:info@waw.co.uk www.waw.co.uk</small>					
Checked						Client	Rutland County Council						

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COUNCIL

14 November 2016

CABINET RECOMMENDATIONS TO COUNCIL

Report of the Cabinet

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	N/A	
Contact Officer(s):	Marcelle Gamston, Corporate Support Officer	01572 720922 mgamston@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

1. That Council notes the Key Decisions made by Cabinet since the publication of the agenda for the previous ordinary meeting of the Council on 12 September 2016, as detailed in Appendix A to this report.
2. That Council approves the following Recommendations from Cabinet:
 - i) The adoption of the Local Council Tax Support scheme currently in operation and to adjust annually for inflation in line with the Government's annual Adjudications and Operations Circular from 2017/18 financial year onwards.
 - ii) To realign the Discretionary Fund budget from £50k to £25k in line with existing demand.
 - iii) To give authority to the Assistant Director (Finance), in consultation with the Cabinet Member with portfolio for Finance, to make minor changes to the Local Council Tax Support scheme and the Discretionary Fund as a result of best practice, guidance or legislation.

18 October 2016
Decision No. 330
Report No. 166/2016
Local Council Tax Support

1 PURPOSE OF THE REPORT

- 1.1 To consider the recommendations of Cabinet since the publication of the agenda for the previous ordinary meeting of the Council on 12 September 2016.
- 1.2 To report to Council the Key Decisions made by Cabinet since the publication of the agenda for the previous ordinary meeting of the Council on 12 September 2016, as detailed in Appendix A to this report.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 As outlined in report number 01/2016.
- 2.2 The Key Decisions Listed in Appendix A have already been taken and can be found in the Cabinet Record of Decisions for the meetings of 20 September 2016 and 18 October 2016.

3 CONSULTATION

- 3.1 As outlined in report number 01/2016.
- 3.2 Consultation for key decisions is included in the reports for the meetings of Cabinet referred to in Appendix A.

4 ALTERNATIVE OPTIONS

- 4.1 The only other option would be to not receive the Cabinet's report to Council. However Procedure Rule 246.3 of the Constitution requires the submission of the report.

5 FINANCIAL IMPLICATIONS

- 5.1 Any financial implications are outlined in report 01/2016, or contained in the reports referred to in Appendix A.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 As outlined in report 01/2016.
- 6.2 The Key Decisions listed in Appendix A have already been taken and the record is for Council's information only.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 As outlined in report 01/2016, or contained in the reports referred to in Appendix A.

8 COMMUNITY SAFETY IMPLICATIONS

- 8.1 Any Community Safety implications are outlined in report 01/2016, or contained in the reports referred to in Appendix A.

9 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 Any Health and Wellbeing implications are outlined in report 01/2016, or contained in the reports referred to in Appendix A.

10 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 10.1 That Council notes the report in order to ensure the procedure rules in the Constitution are followed.

11 BACKGROUND PAPERS

- 11.1 Cabinet Record of Decisions: 20 September 2016 and 18 October 2016.

12 APPENDICES

- 12.1 Appendix A - Key Decisions Made by Cabinet since the Previous Ordinary Meeting of the Council.

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Council
14 November 2016

Key decisions made by the Cabinet since the Agenda for the Ordinary Meeting of the Council on 12 September 2016. These decisions have already been taken and this record is for Council's information only:

Date	Key Decision No.	Title	Decision
20 September 2016 33	277	FUTURE OF INTERNAL AUDIT	<ol style="list-style-type: none"> 1) Cabinet APPROVED, subject to satisfactory completion of due diligence and any consultations as appropriate, the delegation of the delivery of internal audit services to Local Government Shared Service under section 101 of the Local Government Act 1972. 2) Cabinet AGREED that authority be delegated to the Director for Resources in conjunction with the Portfolio Holder for Corporate Finance to formalise, approve and enter into a collaboration agreement with the Local Government Shared Service from 2017/18 in accordance with the principles set out in this report.
20 September 2016	278	HOME TO SCHOOL TRANSPORT POLICY CONSULTATION	<ol style="list-style-type: none"> 1) Cabinet APPROVED the home to school transport policy contained in Appendix 1 to Report No. 157/2016 for implementation from September 2017. 2) Cabinet APPROVED the special education needs and disabilities (SEND) transport policy contained in Appendix 2 to Report No. 157/2016 for implementation from September 2017. 3) Cabinet AUTHORISED the Director for Places (Environment, Planning and Transport in consultation with the Portfolio Holder for Places (Highways, Environment, Transport and Community Safety)), and the education department to reach a decision within the next 30 days on year 10 free transport and to incorporate the following changes: <ol style="list-style-type: none"> i. The inclusion of the pro-forma for assessing the safety of walking routes in Appendix B. ii. The amendment of section 9.1 to reduce the time for stage 1 reviews from 20 to 10 days. iii. The amendment of section 6 to include the requirement for

Date	Key Decision No.	Title	Decision
			parents to be given reasonable notice of any changes to transport arrangements.
20 September 2016	279	SPEED LIMIT AND ACCESS RESTRICTION REVIEW 2015/16	<p>1) Cabinet APPROVED, subject of funding by the Parish Councils:</p> <ul style="list-style-type: none"> a) The reduction of the speed limit from 30mph to 20mph in Pilton, as shown on Drawing SLR-07. b) The reduction of the speed limit from 60mph to 50mph along Barnsdale Avenue, Exton, as shown on Drawing SLR-10. c) That the speed limit be reduced from 60mph to 40mph on the approach to the A47, Morcott, as shown on Drawing STR-13. d) That the speed limit be reduced from 40mph to 30mph on Edith Weston Road/Station Road, North Luffenham, as shown on Drawing SLR-15. e) That the speed limit be reduced from 60mph to 40mph on Station Road, North Luffenham, as shown on Drawing SLR-04. <p>2) Cabinet NOTED the changes in the process for consideration of future requests for speed limit changes.</p>
20 September 2016	280	RELOCATION OF THE CHILDREN'S CENTRE	<p>1) Cabinet APPROVED the proposal to combine the project 'Oakham Library – Essential Works' (previously approved by Cabinet on the 21st June 2016) with this project – 'Relocation of the Children's Centre'.</p> <p>2) Cabinet APPROVED the release of up to £400k to support the relocation of the Children's Centre from Catmose College to the Oakham Library site, and an additional £60k to deliver the library refurbishment works.</p> <p>3) Cabinet AUTHORISED the Director of Places (Development and Economy) in consultation with the Portfolio Holder for Places (Development and Economy), the Portfolio Holder for Safeguarding Children and Young People and the Director for Resources to progress</p>

Date	Key Decision No.	Title	Decision
35			<p>Option 2 that enables the most advantageous elements of a combined project.</p> <p>4) Cabinet AUTHORISED the Director of Places (Development and Economy) in consultation with the Portfolio Holder for Places (Development and Economy), the Portfolio Holder for Safeguarding Children and Young People and the Director for Resources to select the procurement route, establish the award criteria and appoint the most advantageous supplier or suppliers dependent upon the procurement route selected for the combined project.</p> <p>5) Cabinet AUTHORISED the Director of Places (Development and Economy) to appoint the Lead Designer for the combined project, in order to expedite the urgent works required.</p> <p>6) Cabinet NOTED that funding for the relocation of the Children’s Centre project was from Basic Needs funding, and that funding for the Library project was included in the revised capital programme funded by the Oakham North agreement.</p>
18 October 2016	330	LOCAL COUNCIL TAX SUPPORT	<p>1) Cabinet RECOMMENDED TO COUNCIL:</p> <p>i) To adopt the Local Council Tax Support scheme currently in operation and to adjust annually for inflation in line with the Government’s annual Adjudications and Operations Circular from 2017/18 financial year onwards.</p> <p>ii) To realign the Discretionary Fund budget from £50k to £25k in line with existing demand.</p> <p>iii) To give authority to the Assistant Director (Finance), in consultation with the Cabinet Member with portfolio for Finance, to make minor changes to the Local Council Tax Support scheme and the Discretionary Fund as a result of best practice, guidance or legislation.</p> <p>2) Cabinet AGREED that a further review of the Scheme would be undertaken after the completion of the Poverty review by Scrutiny.</p>

Date	Key Decision No.	Title	Decision
18 October 2016	331	SOCIAL VALUE POLICY	1) Cabinet DEFERRED the Social Value Policy as attached to Report No. 189/2016.

COUNCIL

14 November 2016

HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

Report from the Health and Wellbeing Board

Strategic Aim:	Reaching our Full Potential	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr R Clifton, Portfolio Holder for Health and Adult Social Care	
Contact Officer(s):	Mark Andrews, Deputy Director for People	01572 758339 mandrews@rutland.gov.uk
	Karen Kibblewhite, Head of Commissioning	01572 758127 kkibblewhite@rutland.gov.uk
Ward Councillors	Not applicable	

DECISION RECOMMENDATIONS

That Council:

1. Approves the revised Terms of Reference for the Rutland Health and Wellbeing Board.

1 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek approval of revised Terms of Reference for the Rutland Health and Wellbeing Board.

2 REVISED TERMS OF REFERENCE FOR THE RUTLAND HEALTH AND WELLBEING BOARD

- 2.1 The Rutland Health and Wellbeing Board (HWB) is an ongoing statutory committee of the Local Authority, discharging functions conferred on Rutland County Council by Section 96 of the Health and Social Care Act 2012.
- 2.2 It was agreed at the HWB meeting on 28 June that the role of the Health and Wellbeing Board would also be reviewed as it needs to focus on certain issues rather than try to cover everything.
- 2.3 Draft terms of Reference for the HWB were prepared following a Development Session of the HWB on 7 July 2016 and reviewed by the HWB on 27 September 2016 and discussed at the Constitution Review Working Group on 23 September 2016.

- 2.4 At their 27 September 2016 meeting, the HWB agreed that the terms of reference should be finalised in line with their comments and any further comments received, then sent directly to Council for formal approval rather than being presented again to the HWB.

3 CHANGES TO THE HWB TERMS OF REFERENCE

- 3.1 The material changes to the former HWB Terms of Reference, which follow through on the HWB Development Session, are as follows:

- a) There is a stronger emphasis on integrated commissioning across health and social care (Appendix A, Section 2: Statutory Functions).
- b) There is more emphasis on the role of all members to deliver outcomes coherent with the aims of the Rutland HWB, ensuring that their own strategies, plans and services are aligned to the priorities of the Rutland Health and Wellbeing Strategy (Appendix A, Section 3: Additional responsibilities).
- c) A set of explicit principles has been added to which HWB members will work (see Appendix A, Section 4), including: shared ownership and accountability across the members for delivering HWB priorities and representing Rutland at wider fora; being open and transparent; listening to service users; driving action; and learning from experience.
- d) The Terms of Reference is more specific about the HWB relationship with its sub-groups (Appendix A, Section 5: Sub-groups).
- e) A greater emphasis is placed on Safeguarding (Appendix A, Section 6: Safeguarding).
- f) All members may nominate a deputy (Appendix A, Section 7: Membership).
- g) It is made explicit that the Chair may make decisions for reasons of urgency outside formal meetings, reporting back to the HWB (Appendix A, Section 8: Voting).
- h) There is clarification on who may be the chair of the HWB (Appendix A, Section 9: Standing Orders and Meetings).

4 CONSULTATION

- 4.1 The Health and Wellbeing Board was consulted on the changes in a public session. The views of the Constitution Review Working Group have been sought.

5 ALTERNATIVE OPTIONS

- 5.1 The pre-existing Terms of Reference could have been retained, but the Development Session indicated that the role of the Health and Wellbeing Board needed to be refocused around shared priorities and principles of working.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no specific financial implications of the revised Terms of Reference.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 There are no legal implications to be highlighted.
- 7.2 The revisions to the Terms of Reference aim to improve the governance of health and wellbeing plans and strategies locally at both a strategic and operational level, increasing their potential to impact positively on Rutland and for work in this area to be steered confidently and proportionately, so that outcomes are coherent, well-coordinated and appropriately focussed.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment (EqIA) has not been completed as the Terms of Reference has not changed materially in this regard.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 The proposed Terms of Reference support the work of the Council and the wider Rutland health and wellbeing partnership in encouraging and informing work that aims to impact positively on community safety in its broad sense.

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 The Terms of Reference set out how local health and social care organisations will work within and on behalf of the Rutland Health and Wellbeing Board to the benefit of the health and wellbeing of Rutland residents.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 11.1 The new Terms of Reference update and give additional focus and definition to the roles of the Health and Wellbeing Board.
- 11.2 The HWB therefore recommends that the Terms of Reference be approved by Full Council.

12 BACKGROUND PAPERS

- 12.1 There are no additional background papers to the report.

13 APPENDICES

- 13.1 Appendix A: Rutland Health and Wellbeing Board Revised Terms of Reference

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Rutland Health and Wellbeing Board Terms of Reference

The Health and Wellbeing Board has been appointed by Rutland County Council as a statutory committee of the Local Authority. It will discharge directly the functions conferred on Rutland County Council by Section 196 of the Health and Social Care Act 2012 and any other such legislation as may be in force for the time being.

1. Aim

To achieve better health, wellbeing and social care outcomes for Rutland's whole population and a better quality of care for patients and other people using services through the provision of:

- 1) collaborative leadership that influences, shapes and drives a wide range of services and interventions that span health care, social care and public health.
- 2) strategic oversight of, and challenge to, the planning, strategy, commissioning and delivery of services across Health, Social Care, Public Health, Children's Services and other services that the Board agrees impact on the wider determinants of health.

2. Statutory Functions

Under the Health and Social Care Act 2012, the Health & Wellbeing Board has the following duties and functions:

- 1) To encourage integrated working between health and social care commissioners, including arrangements under Section 75 of the National Health Service Act 2006 in connection with the provision of health and social care services.
- 2) To prepare and publish a Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS) that is evidence based and supported by

all stakeholders to set out Rutland's objectives, trajectory for achievement and how members of the Board will be jointly held accountable for delivery.

- 3) To encourage close working between commissioners of health-related services and the Board itself.
- 4) To encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.
- 5) Any other functions that may be delegated by the council under section 196(2) of the Health and Social Care Act 2012.

3. Additional Responsibilities

The Board has also agreed a number of additional responsibilities which complement its statutory functions:

- 1) To challenge and hold to account partners to ensure that their strategies, plans and services are aligned to Rutland's JHWS priorities, and to consider what is best for Rutland within all they plan and do.
- 2) To have oversight of the use of relevant public sector resources across a wide range of services and interventions, with greater focus and integration across outcomes spanning health care, social care and public health.
- 3) To task sub-groups (whether standing or time-limited) to develop solutions to challenges outlined in the JSNA and JHWS.
- 4) To facilitate partnership working across health and social care to ensure that services are joined up around the needs of service users.
- 5) To join up partnership working across Rutland, particularly linking to the Safer Rutland Partnership and ensure there are appropriate links with the Local Safeguarding Children's Board and the Leicestershire and Rutland Safeguarding Adults Board (The Joint Protocol for the HWB and LRSCB/LRSAB is in Appendix A).
- 6) To focus resources on the agreed set of priorities for health, wellbeing and social care (as outlined in the JSNA and JHWS).
- 7) To ensure that the work of the Board is aligned with policy developments both locally and nationally.

4. Principles

The Board agree to work to the following principles:

- 1) Shared ownership of the Board by all its members (with commitment from their nominating organisations) and accountability to the communities it serves for delivering our priorities;
- 2) Commit to driving real action and change to integrate services and to improve services and outcomes;
- 3) Target resources in support of strategic objectives;
- 4) Aim to reduce disparities in health and wellbeing in Rutland by prioritising those in greatest need;
- 5) Support people to maintain their independence and make informed healthy choices;
- 6) Share success and learning to make improvements cross-organisationally for the wider benefit of Rutland;
- 7) Be open and transparent in the way that the Board carries out its work - listening to service users/patients and the public, and acting on what they tell us
- 8) Take advantage of Rutland's small size to utilise our resources and assets;
- 9) Represent Rutland at LLR, regional and national platforms to ensure Rutland's voice is heard.

5. Sub-groups

There will be two permanent sub-groups of the Board:

i) **Children's Trust Board:** Responsible for the development and improvement of services for children and young people 0 – 19 years, (and to the age of 25 years for some vulnerable young people), overseeing the delivery of the agreed vision and priorities of the Children, Young People and Families Plan.

ii) **Integration Executive Board:** Responsible for overseeing the integration of health and social care operational services, driving improvements in service delivery, and monitoring and approving the delivery of the Better Care Fund programme and Better Care Together in Rutland.

The Terms of Reference for each of these sub-groups is attached in Appendix B, also addressing reporting requirements and timescales.

Additional sub-groups may be formed on a time limited basis at the request of the Board to address specific issues or undertake specific pieces of work. Where additional sub-groups are formed, the Chair of the Board will appoint a Chair for the sub-groups and agree reporting requirements and timescales.

6. Safeguarding

The Board work in line with the agreed protocol in place with the Leicestershire & Rutland Children's Safeguarding Board (LRCSB) and the Leicestershire & Rutland Safeguarding Adults Board (LRSAB). The protocol outlines the relationship between the Boards, how safeguarding shall be taken into account within the business of the HWB, and how health & wellbeing shall be taken into account within the business of the LRSCB and the LRSAB.

The protocol shall be approved by both the Board and by the LRSCB and the LRSAB, and reviewed at least three yearly. (Appendix A)

7. Membership

The minimum membership of the Board shall consist of:

- Two representatives from the East Leicestershire and Rutland Clinical Commissioning Group (2)
- Two local elected representatives (2) at least one to be the Portfolio Holder for Health
- The Director of People for Rutland County Council (1)
- The Director of Public Health for Rutland County Council (1)
- One representative of Rutland Healthwatch (1)
- One representative from the Voluntary and Community Sector (1) (Non statutory member)
- One representative from NHS England (1)
- One representative from a Registered Social Landlord (1) (Non statutory member)
- One representative from Leicestershire Constabulary (1) (Non statutory member)

and such other persons as the local authority and/or the Board thinks appropriate in order to bring particular skills, knowledge and/or perspectives, including, but not limited to: additional voluntary sector representatives; clinicians; provider representatives.

Members can appoint a maximum of one deputy to attend meetings in their absence. Members (and their nominated deputy) will act with the necessary delegated responsibility from their organisation and take decisions on behalf of that organisation in relation to the work of the Board.

8. Voting

All members of the Health and Wellbeing Board are allowed to vote (unless the County Council directs otherwise).

Rutland County Council's Meeting Procedure Rules in relation to voting apply; however it is hoped that decisions of the Board can be reached by consensus without the need for formal voting.

Decisions can be taken by the Chair where necessary for reasons of urgency outside of formal meetings. Any decisions taken outside of formal meetings shall be recorded at the following meeting along with the reasons for the urgency and the basis for the decision.

9. Standing Orders and Meetings

The Access to Information Procedure Rules and Meeting Procedure Rules (Standing Orders) laid down by Rutland County Council will apply with any necessary modifications including the following:-

- a. The Chairperson will be Rutland County Council's Leader or Portfolio Holder for Health; the vice-chair will be elected from one of the other statutory members of the Board.
- b. The quorum for a meeting shall be a quarter of the membership including at least one elected member from the County Council and one representative of the East Leicestershire and Rutland Clinical Commissioning Group.

Administration support will be provided by Rutland County Council.

There will be standing items on each agenda to include:

- Declarations of Interest
- Minutes of the Previous Meeting
- Matters Arising
- Updates from each of the subgroups of the Health & Wellbeing Board

Meetings will be held in public at least quarterly (4 times a year).

The Board may also meet for workshops or seminar sessions and for Board learning and development. These meetings will be informal and not held in public.

10. Review

These Terms of Reference will be reviewed at least annually, and more frequently where circumstances dictate appropriate.

COUNCIL 14 NOVEMBER 2016

MOTIONS ON NOTICE

The following notices of motion have been received in accordance with the Council's Procedure Rule 34:

1. Motion from Councillor Gale Waller:

MAKE FAIR TRANSITIONAL STATE PENSION ARRANGEMENTS FOR 1950'S WOMEN

"This Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951 who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women nationally had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's, including Rutland residents, are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment.

Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time.

The issue is that the rise in these women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

This Council will write to the Government to request it reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements."

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COUNCIL

14 November 2016

UPDATE ON COMMUNITY GOVERNANCE REVIEW OF BARLEYTHORPE AND OAKHAM NORTHWEST

Report of the Director for Resources

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Leader and Portfolio Holder for Finance and Development	
Contact Officer(s):	Debbie Mogg, Monitoring Officer	01572 758358 dmogg@rutland.gov.uk
	Natasha Brown, Corporate Support Coordinator	01572 720991 nbrown@rutland.gov.uk
Ward Councillors	Oakham North West - Mr R Gale and Mr A Mann	

DECISION RECOMMENDATIONS

That Council:

1. Notes the results of the consultation on the Draft Recommendations;
2. Approves the timetable and next steps for this review detailed in Paragraph 5 of this report.

1 PURPOSE OF THE REPORT

- 1.1 At its meeting on 11 July 2016 Council approved the draft recommendations for the Community Governance Review of Barleythorpe and Oakham North West and the scope of the consultation on those draft recommendations.
- 1.2 This report provides an update on the result of the consultation on the draft recommendations and a timetable which details the key dates and actions in order to proceed with this review.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The parish area of Barleythorpe currently has no Parish Council but operates a Parish Meeting. Historically, there have not been a sufficient number of electors in

the Barleythorpe parish to form a Parish Council.

- 2.2 The parish area of Oakham has a Town Council comprising 12 town councillors covering four parish wards (Oakham North West/Oakham North East/Oakham South West/Oakham South East). Each Ward has around 2000 electors.
- 2.3 Barleythorpe is a parish in its own right and does not form part of the parish of Oakham. It is, however, situated within the Oakham North West Ward of Rutland County Council along with the North West Ward of the Parish of Oakham (Oakham Town Council).
- 2.4 In February 2015 Rutland County Council agreed that a Community Governance review be undertaken. The terms of reference for the Review were agreed by Full Council and published in January 2016; the initial consultation on these terms of reference commenced on 29 January 2016 and concluded on 29 April 2016. This consultation set out a number of options and requested respondents to indicate a preferred option and provide comments on the options.
- 2.5 In order to comply with timescales set within statutory guidance and detailed within the timetable and terms of reference for this review (http://www.rutland.gov.uk/council_and_democracy/elections_electoral_registra/community_governance_reviews.aspx), the Council must publish draft recommendations which reflect the identities and interests of the community in the area under review and provide for effective and convenient community governance. These draft recommendations were approved by Council on 11 July 2016 and are summarised below:
- a) That the existing Barleythorpe and Oakham North West parish areas are amended as reflected in Maps A-E;
 - b) That a new Parish Council is created in the Parish of Barleythorpe;
 - c) That the name of this Parish Council should be “Barleythorpe Parish Council”; and
 - d) That the Electoral arrangements for the Barleythorpe Parish Council should follow the timetable provided at paragraph 7.2 below.

Full details of the draft recommendations can be found on the website at:

http://www.rutland.gov.uk/council_and_democracy/elections_electoral_registra/community_governance_reviews.aspx

Details of the consultation on these draft recommendations can be found at Paragraph 3 to this report.

- 2.6 In June 2016 the number of Electors was 823, in September this had risen to 888. The Council must recommend the creation of a Parish Council should there be over 1000 local government electors (Section 94 of the Local Government and Public Involvement in Health Act 2007).
- 2.7 The number of electors in the parish of Barleythorpe is increasing due to the housing development of Oakham North with a predicted electorate of approximately 2000 by the year 2022. Given the current size of the electorate and

the projected increase in the population it is likely that the threshold for making the recommendation to create a Parish Council could be triggered before the Review is completed, or very soon afterwards.

3 CONSULTATION

3.1 The consultation on the draft recommendations began on 30 July 2016 and ended on 23 September 2016. A letter was delivered to all households in the area under review and the following organisations were also provided with details of the review and draft recommendations:

- Oakham Town Council
- Barleythorpe Parish Meeting
- Barleythorpe Neighbourhood Forum
- Langham Parish Council
- Braunston Parish Council
- Leicestershire and Rutland Association of Local Councils
- Ward Members for Oakham North West
- Larkfleet (Developers)
- Charles Church
- Hawksmead
- Bellway (Developers)
- Oakham Town Partnership
- Rutland Agricultural Society
- Voluntary Action Rutland
- Catmose College - Headmaster
- Catmose College - Governors
- Harington School
- RCC Planning Policy
- RCC Education
- RCC Highways
- RCC Street naming and numbering
- RCC Land Charges
- RCC Revenues and Benefits

A copy of the Draft Recommendations and accompanying Maps were also placed in the library and in the foyer at RCC along with spare response forms. A Survey Monkey electronic response form was provided on the RCC Website and detailed in Press Releases.

A summary of the responses received can be found below:

	QUESTION 1			QUESTION 2			QUESTION 3			QUESTION 4		
	<i>Do you support the proposed boundary changes?</i>			<i>That a new Parish Council is created in the Parish of Barleythorpe.</i>			<i>That the name of this new Parish should be called "Barleythorpe Parish Council".</i>			<i>That the Electoral arrangements for the Barleythorpe Parish Council should follow the timetable below.</i>		
	Y	N	-	Y	N	-	Y	N	-	Y	N	-
BARLEYTHORPE	98	2	4	97	5	2	98	3	3	94	3	7
OAKHAM	53	9	2	56	7	1	55	7	2	54	8	2
OTHER	1	1	3	1	1	3	1	1	3	1	1	3
TOTAL	152	12	9	154	13	6	154	11	8	149	12	12
	173			173			173			173		

Y	YES
N	NO
-	NOT ANSWERED

A total of 173 responses were received. Out of these responses 88% (152) were in favour of the proposed boundary changes and 89% (154) were in favour of the creation of a Parish Council for Barleythorpe.

- 3.2 The responses and comments received from this consultation can be viewed on the [Community Governance](#) page of the Council website.
- 3.3 The Constitution Review Working Group were provided with an update report on the Community Governance Review for Barleythorpe and Oakham North West at their meeting on 23 September 2016. The following points were noted at this meeting:
- i) Certain areas where boundary changes were being proposed may have developments which would be subject to Community Infrastructure Levy (CIL). CIL would be paid to the Parish where the development was situated. Confirmation would be sought as to whether an interim parish council can receive CIL funds;
 - ii) Implications regarding S.106 Agreements in the area under review also needed clarification;
 - iii) The timetable suggested that the Interim Council is set up from June 2017, this was to ensure there was sufficient time between the Re-organisation Order coming into effect on 1 April 2017 to establish the structure and governance arrangements. The timetable had been included as part of the consultation;
 - iv) Consideration should be given to the Parish Meeting setting a small budget for 2017/18 which would then be handed to the interim council;

- v) The group agreed that the interim council should contain members of the Parish Meeting, the Neighbourhood Forum Group and Ward Members;
- vi) The Interim Council would need to look to employ a Clerk;
- vii) The group agreed that the interim council should consist of 8 members plus 2 advisory members (an RCC officer, plus an experienced member of another Parish Council – the Chair of Langham Parish Council was recommended for this role); and
- viii) An update would be provided to Full Council in November in order to gain approval for the next steps including the creation of the interim council. Once approved officers could start to liaise with Barleythorpe Parish Meeting and the Neighbourhood Forum Group.

4 OVERVIEW OF IDENTIFIED IMPLICATIONS RESULTING FROM PROPOSED BOUNDARY AMENDMENTS

- 4.1 **Street Naming and Numbering** have confirmed that the proposed amendment shown in Map B would not change the address of the properties affected. All the properties in Coleridge Way currently have an Oakham address.
- 4.2 **Highways** have confirmed that there are no identified implications from the proposed amendments to the boundary. Highways highlighted that Barleythorpe Parish will become responsible for the energy costs for all street lighting. This arises from the proposal that was agreed by Cabinet in March 2016, not from the Draft Recommendations.
- 4.3 **Planning Policy** provided the comments below:

There are a number of potential planning and housing implications from the proposed parish boundary changes and some initial investigation has been carried out, but so far the implications appear to be quite minor. Oakham and much of Barleythorpe already share a Planned Limit of Development which limits the impact of a parish boundary move. A more detailed check regarding funds held under section 106 agreements and other planning issues will be required to be undertaken during the consultation period and any implications fed back.

The effects of the Community Infrastructure Levy are likely to be minor although there is a slight emphasis towards regeneration in Oakham in the Infrastructure Project List. In any case, the Infrastructure Project List is subject to regular review.

The Local Plan Review and the Neighbourhood Plan covering Oakham and Barleythorpe are still being developed and can readily address the proposed changes in the Parish boundary. There is a possibility that a Barleythorpe Parish Council might wish to develop a Neighbourhood Plan in the future that covers just that Parish, but that might be the case whether or not the Parish boundary changed.

The residential properties which would transfer are a mix of market and affordable housing. The properties would move into an urban parish for affordable housing lettings and asset management purposes, but the impact would be limited as they

are already generally regarded as being in Oakham from an operational perspective.

4.4 **The Education Department** have confirmed that there are no identified implications in respect of the proposed boundary changes for the Catmose College Site and provided the comment below:

“These proposals are unlikely to have any impact on Catmose College. Funding and admissions are not determined by such specific local criteria, so there will be no impact on them, nor on Catmose’s ‘catchment’ area. If there are implications regarding utility bills as a result of the boundary changes, Catmose may wish to articulate its concerns at the consultation stage.”

4.5 **Precept Levied to Households**

4.5.1 Currently some properties in Coleridge Way sit within the Barleythorpe Parish Boundary and others sit within the Oakham North West Parish Boundary. The 2016/17 precept Band D equivalent for Barleythorpe is 14p and for Oakham this is £54.47.

4.5.2 Should the proposed boundary changes proceed to the final recommendations all properties in Coleridge Way will be within the Oakham North West Parish Boundary and therefore will pay the corresponding precept levied by Oakham Town Council for 2017/18 and beyond.

4.5.3 It is important to note that should the creation of a Parish Council for Barleythorpe proceed to final recommendations, any Interim/ Parish Council will also look to levy a precept, which will be paid by residents in the Barleythorpe Parish Area. It is difficult to determine the actual amount as it is for the Interim/Parish Council to decide the budget that they require, but taking into account elector figures from June 2016, the following comparisons can be made with similar sized Parish Councils:

Parish Council	Elector Numbers (8/6/16)	Precept 16/17 (£)	Band D (£)
Barleythorpe	823	73.91	0.14
Whissendine	1036	19041.01	34.35
Langham	1151	19251.92	32.48
Empingham	703	13918.09	33.74

4.5.4 It is proposed that RCC would determine the precept for the Interim Parish Council for 2017/18. It would not be anticipated that the initial interim council would need to set a full precept for 2017/18 and would only need to cover its costs for work anticipated in the first year. This may include costs for:

- Parish Notice Boards
- Clerks Remuneration

- Membership to LRALC
- Election Costs

4.6 Community Infrastructure Levy Charge (CIL) and S.106 Agreements

- 4.6.1 RCC is obliged to pay over a proportion of CIL receipts to the local parish council where the development paying CIL is located. The proportion is 15% of CIL receipts unless the Parish has an adopted Neighbourhood Plan in which case it is 25%. This would be split between the parishes if a single development for which a CIL charge is raised covers parts of each parish.
- 4.6.2 Officers are looking at the allocation of funds from historic s.106 agreements.

5 TIMETABLE AND NEXT STEPS

- 5.1 No adverse implications have been identified; the result of the consultation on the draft recommendations indicated support for the creation of a Parish Council for Barleythorpe and the related boundary alterations from the majority of respondees; and the electorate in the area under review is steadily increasing and expected to rise to 2000 by the year 2022. It is therefore proposed that the Final Recommendations and Reorganisation Order (to be presented to Council in January 2017) reflect the Draft Recommendations (Detailed at 2.5 above) and support the creation of a Parish Council for Barleythorpe.
- 5.2 The timetable published as part of the original terms of reference has been updated in order to provide further detail below:

TASK	Timescales (12 months - indicative)
Draft recommendations are published – further consultation commences	Three Months June to September 2016
Consideration of submissions received – Final Recommendations are prepared	Two months September to November 2016
Update and Approval of Next Steps – Full Council	14 November 2016
Final recommendations approved by Full Council and published – concluding the review*	January 2017
Council resolves to make a Reorganisation Order to include <ul style="list-style-type: none"> - Electoral Arrangements - Consequential amendments to Boundaries - Establishment of a precept for 2017/18 for the new parish 	January 2017

Officers to liaise with local community and interest groups in order to establish the membership of the Interim Parish Council with support from LRALC (See 5.3 below)	February – May 2017
Order Comes into effect	1 April 2017
Interim parish established and first meeting to be held.	By June 2017
Clerk Appointed by Interim Parish Council	By July 2017
Set Budget/approval of Precept for 2018/19 (Interim Council)	Submit to RCC by December 2017
Election of Parish Councillors (For one year term of office*)	May 2018
Set budget/approval of Precept (Parish Council)	Submit to RCC by December 2018
Election of Parish Councillors (Four year term)	May 2019 (then every four years)

5.3 Creation of an Interim Parish Council

5.3.1 Rutland County Council have worked with Leicestershire and Rutland Association of Local Councils (LRALC) to provide guidance on the creation of a Parish Council.

5.3.2 LRALC identified two types of interim arrangements in the lead up to the creation of the Parish Council “real”. These are shadow parish councils and interim parish council. The creation of an Interim Council is considered to be the most appropriate form of governance for the period leading up to the election of Councillors in May 2018 for the following reasons:

- Members are formally appointed by RCC
- They have the same statutory powers as the actual parish council
- They have the power to set a precept and control and access these funds
- Any assets and funds transfer directly to the elected parish council in May 2018

5.3.3 There is no set method of calculation for the number of Members; however in deciding this the Council must have regard to the legal provisions and considerations below:

- i) The number of Parish Councillors shall not be less than five (Local Government Act 1972 Section16);
- ii) When considering the number of councillors to be elected for the parish the principal council must have regard to the following factors under

Section 95 (6-7) Local Government and Public Involvement in Health Act 2007:

- The number of local government electors for the Parish;
- Any change in that number which is likely to occur in the period of five years beginning the day when the review starts.

- iii) The National Association of Local Councils suggests that the minimum number of councillors should be seven and the maximum 25.
- iv) The pattern of existing Parish Council sizes in similar sized Parishes, the take up of seats at elections, any particular demands on the parish, the level of precept and service provision and other local circumstances that may be relevant.

5.3.4 Taking the above considerations into account, along with LRALC Guidance and in consultation with the Constitution Review Working Group it is proposed that the interim council should consist of 8 members plus 2 advisory members (an RCC officer, plus an experienced member of another Parish Council). The Elected Parish Council would have 8 Councillors, the same number of members as the Interim Council.

5.3.5 It is proposed that the 8 Members for the interim Council be appointed from the existing Barleythorpe Parish Meeting, the Barleythorpe Neighbourhood Forum Group, along with the 2 Ward Members for the area of the Review. These individuals would then be the parish council's representatives for the period up to the election of councillors in May 2018.

5.3.6 In accordance with the timetable above an interim Parish Council will be established by June 2017.

6 ALTERNATIVE OPTIONS

6.1 In January 2016 Council agreed the terms of reference for this review and approved the scope of the consultation and a number of alternative options were put forward as part of the initial consultation. 58% of respondents indicated that Option 3 (*Retaining the common boundary and reviewing the existing community governance arrangements for residents living in the parish area of Barleythorpe – this would include reviewing the current electorate, the impact of future developments and the establishment of any new Parish Council covering the parish area of Barleythorpe*) was their preferred option.

6.2 The draft recommendations and scope of the consultation on them was approved by Full Council in July 2017. The draft recommendations gave effect to the views of those local residents that responded to the initial consultation, they were informed by relevant legislation and guidance and reflect the responses received from the initial period of consultation. They were put forward as the most suitable way of achieving effective and convenient community governance, whilst retaining the identity of the area under review and protecting the interests of those that live within it. Submissions from the second phase of consultation have been considered in full and indicate that the people who live in the Barleythorpe area that responded to the consultation support the recommendations.

7 FINANCIAL IMPLICATIONS

- 7.1 Parish Councils have the power to levy a precept. The precept is a sum of money used to fund the Parish Council. It is a sum of money levied from each household and collected by the Council on behalf of the Parish Council from each household in addition to Council Tax paid to the County Council. The principal authority (RCC) would normally set the precept for the first year of the new council; this may be in consultation with those members that will make up the interim council. In subsequent years it will be for the elected Parish Council to set its own precept based on the running costs of the council and the services it plans to provide for that year.
- 7.2 LRALC would provide support to the interim/new parish council free of charge on the understanding that a recommendation to join as a full paying member was made as soon as was practicable. Based on the current electorate of the parish the combined annual NALC/LRALC fee would be approximately £250 (2016-17). LRALC/NALC fees can be included in the precept/budget for the council.
- 7.3 The cost of holding a contested election for any new councillors in 2018 will need to be assessed. This is currently predicted to be around £2000. The cost for the election can be included in the Budget set by the Interim Council for 2018/19.
- 7.4 There are minor cost implications of setting up a new Parish to RCC generally these costs have been support from staff and the cost of the consultation which can be contained within existing resources.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:
- i) It must have regard to the need to secure that community governance within the area under review:
 - b) reflects the identities and interests of the community in that area; and
 - c) is effective and convenient.
 - ii) In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
 - d) that have already been made, or
 - e) that could be made for the purposes of community representation or community engagement in respect of the area under review.
 - iii) The Council must take in to account any representations received in connection with the review.
- 8.2 Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community

Governance Reviews, published guidance on community governance reviews.

- The guidance states that the Council must have regard to the need to secure community governance within the area under review; it reflects the identities of the community in the area and is effective and convenient.
- The guidance also acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents.

8.3 Section 94 of the Local Government and Public Involvement in Health Act 2007 states as follow:

If the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.

If the parish has 150 or fewer local government electors, the review must recommend that the parish should not have a council.

8.4 The full Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government can be found at <https://www.gov.uk/government/publications/community-governance-reviews-guidance>.

8.5 In order to allow for Electoral Arrangements as proposed in the Terms of Reference it will be necessary to modify or exclude the application of Sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in May 2018 and for the Councillors to serve a shortened first term (1 Year) to allow the parish council's electoral cycle to return to the ordinary cycle of local elections in 2019.

8.6 The Principal Council has the power to arrange and adopt the initial parish precept under Regulation 3, Local Government Finance (New Parishes) Regulations 2008.

9 EQUALITY IMPACT ASSESSMENT

9.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 There are no community safety implications.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 There are no Health and Wellbeing implications

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 Responses to the consultations carried out in January/February and August/September of 2016 clearly indicate that people living on the Barleythorpe area support the creation of a Parish Council for this area.

- 12.2 The creation of a Barleythorpe Parish Council will provide for effective and convenient local governance as it will allow residents in the area to have input in decisions which affect them and will ensure that the interests of the community are represented through the provision of services to meet local needs in order to improve the quality of life and community well-being.
- 12.3 The Guidance issued by the Local Government Boundary Commission for England states that boundaries between parishes “need to be, and be likely to remain, easily identifiable” also “A review of parish boundaries is an opportunity to put in place strong boundaries, tied to firm ground detail, and remove anomalous parish boundaries...it is important that principal councils seek to address parish boundary issues at regular intervals.” The areas reflected in the draft recommendations have been identified as being anomalous and it is suggested that the final recommendations seek to address this by proposing the consequential amendments to the boundaries as detailed in the maps.
- 12.4 The Timetable and next steps proposed are in accordance with the Terms of Reference for this review and statutory guidance detailed in section 8 of this report.

13 BACKGROUND PAPERS

- 13.1 Terms of Reference for the Community Governance Review of Barleythorpe and Oakham North West approved 11 January 2016.

14 APPENDICES

- 14.1 There are no appendices.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

COUNCIL

14 November 2016

CHANGES TO THE CONSTITUTION

Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Leader and Portfolio Holder for Finance and Development	
Contact Officer(s):	Debbie Mogg, Monitoring Officer	01572 758358 dmogg@rutland.gov.uk
Ward Councillors	Not Applicable	

DECISION RECOMMENDATIONS

That Council:

1. Notes and approves the revision to the list of statutory Proper Officers set out at Appendix A to this report;
2. Approves the revision to Procedure Rule 20 (6) to allow substitutions on the Development Control and Licensing Committee on the condition that any substitute has received the appropriate training;
3. Approves that attendance at annual planning training should be mandatory for all Members; and
4. Authorises the Monitoring Officer to update the Constitution accordingly.

1 PURPOSE OF THE REPORT

- 1.1 To ensure that the list of Proper Officers remains up to date in light of personnel changes in the organisation.
- 1.2 To amend the constitution to allow for substitutions on the Development Control and Licensing Committee subject to any members substituting having received the appropriate training.

2 BACKGROUND AND MAIN CONSIDERATIONS

Amendments to the List of Proper Officers

- 2.1 The Council's Constitution contains a list of Proper Officer designations for statutory purposes. The current list has been updated to recognise changes in the establishment which should be incorporated within the Constitution.
- 2.2 Local Authorities are required by various statutes to make, and subsequently maintain, appointments to a number of specified offices. Those individuals who are appointed to these offices are commonly referred to as 'Proper Officers'. This term is generally used to refer to those officers who alongside their day to day roles have specific responsibilities, as set out in legislation.
- 2.3 Following a recent change in personnel, the Proper Officer list has been updated and reviewed.
- 2.4 Although it is not incumbent on Council to approve each Proper Officer appointment, there are certain positions that do need full Council approval such as the Statutory Scrutiny Officer designation. The changes made to this list of Proper Officers are shown in Appendix A as highlighted text.

Amendments to the Rules on Substitution for the Development Control and Licencing Committee (DC&L)

- 2.5 Council Procedure Rule 20 (6) currently states:
- An authorised representative of a political group may notify the substitution of a member of that group to attend a given meeting or a number of meetings within a specific time period on its behalf provided that this right of substitution shall not apply to individual meetings of the Development Control and Licensing Committee (DC&L).*
- 2.6 The historical reason for not allowing substitutes for individual meetings of this committee was due to the fact that all Members had not received the appropriate training. It was also considered advantageous that Members sitting on this committee had a degree of experience in planning matters. Previously the training had been provided at the start of the 4 year Council period and was only mandatory for DC&L Members.
- 2.7 The Constitution Review Working Group (CRWG) considered amendments to the rules on substitution for DC&L committee at their meeting on 23 September 2016, it was noted that substitution at individual meetings of DC&L should be on an exceptional basis only to ensure consistency and that the most experienced members regularly sit on the committee.
- 2.8 The CRWG AGREED:
- i) That PR20 (6) be amended to allow for substitution at individual meetings of DC&L provided the substitute has received the appropriate training; and
 - ii) That annual planning training should be mandatory for all Members.
- 2.9 It is proposed that Procedure Rule 20 (6) is amended as follows:

An authorised representative of a political group may notify the substitution of a member of that group to attend a given meeting or a number of meetings within a specific time period on its behalf. This right of substitution will only be permitted for the Development Control and Licensing Committee (DC&L) provided that the member specified has attended approved training within the last 12 months in the quasi-judicial functions of the committee. This is a requirement of Membership under Part 3, Section 3 of the Constitution (Responsibility for Functions).

3 CONSULTATION

3.1 Consultation was undertaken with the officers involved in the changes to Proper Officers.

3.2 The CRWG was consulted on the amendments to the DC&L Committee.

4 ALTERNATIVE OPTIONS

4.1 If the list of proper officers was not updated it would be incorrect and the Council would not be fulfilling its obligations to appoint officers as proper officers.

4.2 The Procedure Rule regarding substitutions on DC&L Committee could remain unchanged.

5 FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from amendments to Proper Officers as detailed in this report.

5.2 Planning training will be provided by Legal Services and the cost will be met from existing budgets.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 A Proper Officer is a term widely used in Local Government and is defined in Section 270(3) of the Local Government Act 1972 as 'an officer appointed for that purpose by that body'. It is the correct appointment of a Proper Officer that gives that person the power to act in a specific professional capacity.

6.2 Each Council is required to maintain a list specifying the powers which, for the time being, are exercisable by officers and stating the title of the officer by whom each power is exercisable under s.100G(2) of the Local Government Act 1972. Arrangements for the discharge of a power by an officer for a specified period not exceeding six months are excluded from this requirement.

6.3 Legal Services have been consulted and they have confirmed that there is no legal reason for not allowing substitutions at individual meetings of DC&L as long as the appropriate training has been attended.

7 EQUALITY IMPACT ASSESSMENT

7.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

8 COMMUNITY SAFETY IMPLICATIONS

8.1 There are no community safety implications arising from this report.

9 HEALTH AND WELLBEING IMPLICATIONS

9.1 There are no health and wellbeing implications arising from this report.

10 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

10.1 Due to the internal changes to staff the Council is required to appoint Proper Officers and this Full Council meeting is the first opportunity to do this following those personnel changes.

10.2 To ensure that all Members have appropriate training on planning issues and that this training is updated each year.

10.3 To allow the constitution to be updated so that substitutions can be allowed for DC&L subject to attendance at the appropriate training.

11 BACKGROUND PAPERS

11.1 There are no additional background papers.

12 APPENDICES

12.1 Appendix A – List of Proper Officers from Section 5 of Part 8 of the Constitution.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

PROPER OFFICERS – RUTLAND COUNTY COUNCIL NOVEMBER 2016

No	Act Section of Schedule	FUNCTION	PROPER OFFICER
1.	LOCAL GOVERNMENT ACT 1972 S.13(3) AND S.97	Parish Trustee	Chief Executive
2.	LOCAL GOVERNMENT ACT 1972 S.83(1)	Receipt of declaration of acceptance of office	Chief Executive and Monitoring Officer
3.	LOCAL GOVERNMENT ACT 1972 S.84	Receipt of notice of resignation	Chief Executive
4.	LOCAL GOVERNMENT ACT 1972 S.88(2)	Convening a Council meeting to fill casual vacancy in office of Chair	Chief Executive
5.	LOCAL GOVERNMENT ACT 1972 S.89(1)(b)	Receipt of notice of casual vacancy in office of Councillor from two local government electors	Chief Executive
6.	LOCALISM ACT 2011 S.29(1) and LOCAL GOVERNMENT ACT 1972 S. 117	Receipt of notice and record of pecuniary interests under S.29 in respect of members and S.117 in respect of officers	Monitoring Officer
7.	LOCAL GOVERNMENT ACT 1972 S.111	Registrar of Bonds	Section 151 Officer
8.	LOCAL GOVERNMENT ACT 1972 S.101	Statutory determinations regarding borrowing limits	Section 151 Officer
9.	LOCAL GOVERNMENT ACT 1972 S.115	Receipt of monies due from officers required to account	Section 151 Officer
10.	LOCAL GOVERNMENT ACT 1972 S.146(1)(a)(b)	Declarations and certificates relating to securities in case of transfer	Section 151 Officer
11.	LOCAL GOVERNMENT ACT 1972 S.151	The officer responsible for financial administration (Section 151 Officer)	Assistant Director - Finance
12.	LOCAL GOVERNMENT ACT 1972 S.191(2)	Matters relative to Ordnance Survey	Chief Executive
13.	LOCAL GOVERNMENT ACT 1972 S.210(6) & (7)	Charity functions transferred to the District Council	Chief Executive
14.	LOCAL LAND CHARGES ACT 1975 (c.76, SIF 98:2), S.19(1), Sch. 2	Local Land Charges Registrar under the Land Charges Act 1925	Chief Executive
15.	THE REGULATORY REFORM (GAME) ORDER 2007 (S.I. 2007/2007), art.6. Sch.para.1(m)	The Collection of Licence Duties	Director for Places (Environment, Planning and Transport)
16.	LOCAL GOVERNMENT ACT 1972 S.223(1)	The conduct of Legal proceedings before Magistrates' Court for recovery of Council Tax and non-domestic rate arrears	Section 151 Officer or Director of Resources or Chief Executive
17.	LOCAL GOVERNMENT ACT 1972 S.225(1)	Deposit of documents	Chief Executive
18.	LOCAL GOVERNMENT ACT 1972 S.228(3) & (4)	The Proper Officer whose accounts are open to inspection by members and whose audited accounts are open to public inspection	Section 151 Officer
19.	LOCAL GOVERNMENT ACT 1972 S.229(5)	Certificate of photographic copies of documents	Any Director
20.	LOCAL GOVERNMENT ACT 1972 S.234(1) & (2)	Authentication of Documents	Any Director
21.	LOCAL GOVERNMENT ACT 1972 S.236(9)	Service and receipt of copies of bylaws made by the County or District Council	Chief Executive

No	Act Section of Schedule	FUNCTION	PROPER OFFICER
22.	LOCAL GOVERNMENT ACT 1972 S.238	Certification of bylaws	Chief Executive
23.	LOCAL GOVERNMENT ACT 1972 Sch 12 para 4(2)(b) & (3)	Signatures of Summons to Council meetings, receipt of Notices of addresses to which summons should be sent	Chief Executive
24.	LOCAL GOVERNMENT ACT 1972 s.12(a)	Certification of resolutions under the paragraph	Chief Executive
25.	PLANNING (CONSEQUENTIAL PROVISIONS) ACT 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6	Receipt of deposit of lists of protected buildings S54(4) of Town & Country Planning Act 1971	Director for Places (Development and Economy)
26.	LOCAL GOVERNMENT ACT 1972 Sch 29 para 4(1)(a) and (c)	General provisions of existing legislation, not expressly covered by preceding provisions where reference is made to specific officers; for references to Surveyor, Public Health Inspector and Medical Officer of Health except in respect of matters which can only be dealt with by registered Medical practitioners	Director for Places (Environment, Planning and Transport)
27.	LOCAL GOVERNMENT ACT 1972	For references to Town Clerk or Clerk of the Council	Chief Executive
28.	LOCAL GOVERNMENT ACT 1972 S.100B(2)	Circulation of reports and agenda	Chief Executive
29.	LOCAL GOVERNMENT ACT 1972 S.100B(7)(c)	Supply of papers to the press	Chief Executive
30.	LOCAL GOVERNMENT ACT 1972 S.100C(2)	Summaries of minutes	Chief Executive
31.	LOCAL GOVERNANCE ACT 1972 SCHEDULE 12A	Access to information	Chief Executive
32.	LOCAL GOVERNMENT ACT 1972 S.100D(1)(a)	Compilation of lists of background papers and S.100D(5)(a) Identification of background papers	Directors having responsibility for subject matter of report with the first named officer being designated in case of a joint report.
33.	LOCAL GOVERNMENT ACT 1974 S.30(5)	Public notice of publication of a Local Commissioner's report	Chief Executive
34.	REGISTRATION SERVICE ACT 1953	Registration of Births Deaths and Marriages	Senior Culture and Leisure Services Manager
35.	REPRESENTATION OF THE PEOPLE ACT 1983 S.8	Electoral Registration Officer	Chief Executive
36.	REPRESENTATION OF THE PEOPLE ACT 1983 S.52(2)	Deputy Electoral Registration Officer	Director for Resources
37.	REPRESENTATION OF THE PEOPLE ACT 1983 S.35	Returning Officer for Parish and District Council elections	Chief Executive
38.	REPRESENTATION OF THE PEOPLE ACT 1983 S.24	Returning Officer Parliamentary Elections	Mayor of Melton Borough Council
39.	REPRESENTATION OF THE PEOPLE ACT 1983 S.28	Acting Returning Officer for Parliamentary Elections	Chief Executive Melton Borough Council
40.	LOCAL GOVERNMENT AND HOUSING ACT 1989 P1.S4.1(a)	Head of the Paid Service	Chief Executive
41.	LOCAL GOVERNMENT AND HOUSING ACT 1989	Acting Head of the Paid Service in the Head of Paid Service's absence	Director for People
42.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.5	Monitoring Officer	Director of Resources

No	Act Section of Schedule	FUNCTION	PROPER OFFICER
43.	LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990 P3, S.8	Receipt of notice of formation and membership of a political group	Chief Executive
44.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.16	Receipt of notice of wishes of political groups as to appointments to committees and sub-committees and termination of appointments	Chief Executive
45.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.18 and Reg 14 of Local Authorities (Members' Allowances)	Receipt of notice in writing that a Councillor wishes to forgo any part of his entitlement to an allowance	Director for Resources
46.	The Local Authorities (Referendums)(Petitions)(England) Regulations 2011 P2 S.4(1)	Publication of 5% of local government electors for validating petitions	Electoral Registration Officer
47.	PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984	The Proper Officer for the purposes of the Public Health (Infectious Diseases) Regulations	Director of Public Health
48.	NATIONAL ASSISTANCE ACT 1948	The Proper Officer for the Purposes of Section 47	Director of Public Health
49.	LOCAL GOVERNMENT ACT 2000 S.52	Undertakings by Members and Co-opted Members to observe the Council's Code of Conduct	Chief Executive and Monitoring Officer
50.	FREEDOM OF INFORMATION ACT 2000 S 36(2) and (5)	The qualified person for the purposes of deciding whether information is exempt from disclosure to the public relating to the prejudice to the conduct of public affairs	Monitoring Officer
51.	FREEDOM OF INFORMATION ACT 2000 S 36	Determination of all exemptions apart from those relating to the prejudice to the conduct of public affairs	Head of Corporate Governance or Director or representative appointed by a Director
52.	REGULATION OF INVESTIGATORY POWERS ACT 2000	Authorising Officer and Designated Person for the use of surveillance and the acquisition and disclosure of communications data	Chief Executive or Any Director or Head of Corporate Governance
53.	THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 S 31	The Statutory Scrutiny Officer responsible for the promotion of the authority's scrutiny function and the provision of support and guidance to Members and Officers of the authority.	Corporate Support Coordinator
54.	DATA PROTECTION ACT 1998	Data Protection Officer/Senior Information Risk Owner	Director for Resources
55.	CALDICOTT REVIEW 1997	Caldicott Guardian	Deputy Director for People
56.	CHILDREN ACT 2004 S 11	Local Authority Designated Officer (LADO)	Head of Safeguarding and Service Improvement

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