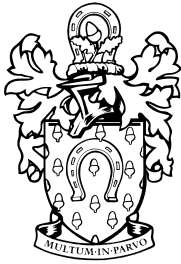


# Public Document Pack



## Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP  
Telephone 01572 722577 Facsimile 01572 75307  
DX28340 Oakham

Members of Rutland County Council District Council are hereby summoned to attend the **TWO HUNDRED AND FIFTY SECOND MEETING OF THE COUNCIL** to be held in the Council Chamber at Catmose, Oakham on **9 May 2016 commencing at 8.00 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](http://www.rutland.gov.uk/haveyoursay)

**Helen Briggs**  
**Chief Executive**

### A G E N D A

**1) APOLOGIES FOR ABSENCE**

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) 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 24 which provides that any petition, deputation or question received shall only be considered if it relates to an item on the agenda.

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.

**6) QUESTIONS FROM MEMBERS OF THE COUNCIL**

To receive any questions submitted from Members of the Council in accordance with the provisions of Procedure Rules 24, 30 and 30A. Any question received shall only be considered if it relates to an item on the agenda.

**7) REPORT FROM THE CABINET (Pages 5 - 12)**

To receive Report No. 103/2016 from the Cabinet on recommendations referred to the Council for determination and to note the Key Decisions taken at its meetings held on 15 March 2016 and 19 April 2016.

**8) 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.

**9) JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

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

**10) NOTICES OF MOTION**

To consider any Notices of Motion submitted by Members of the Council in accordance with Procedure Rule 34 in the order in which they are recorded as having been received.

**11) PROPER OFFICERS (Pages 13 - 16)**

To approve the change to the Statutory Scrutiny Officer (No.53 of the attached Schedule) following a recent change in personnel and authorise the Monitoring Officer to update the Constitution accordingly.

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**TO: MEMBERS OF THE COUNCIL**

Mr E Baines  
Mr O Bird  
Miss R Burkitt  
Mr R Clifton  
Mr W Cross  
Mr R Foster  
Mr O Hemsley  
Mr J Lammie  
Mr A Mann  
Mr M Oxley  
Mrs L Stephenson  
Mr K Thomas  
Mr A Walters

Mr N Begy  
Mr K Bool  
Mr B Callaghan  
Mr G Conde  
Mr J Dale  
Mr R Gale  
Mr T King  
Mrs D MacDuff  
Mr T Mathias  
Mr C Parsons  
Mr A Stewart  
Miss G Waller  
Mr D Wilby

---oOo---

**THE COUNCIL'S STRATEGIC AIMS**

Creating a safer community

Creating an active and enriched community

Creating a brighter future for all

Meeting the health and wellbeing needs of the community

Creating a sustained environment

Building our infrastructure

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## COUNCIL

9 May 2016

### CABINET RECOMMENDATIONS TO COUNCIL

#### Report of the Cabinet

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	N/A	
Contact Officer(s):	Natasha Brown, Corporate Support Coordinator	01572 720991 nbrown@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 14 March 2016, as detailed in Appendix A to this report.
2. That Council approves the following Recommendation from Cabinet:
  - i) To undertake borrowing of £420k from Salix at 0% for street lighting upgrades.

**15 March 2016**

**Decision No. 680**

**Report No. 01/2016**

**Highways Capital Programme and Street Lighting Policy**

#### 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 14 March 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 14 March 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 15 March 2016 and 19 April 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: 15 March 2016 and 19 April 2016.

**12 APPENDICES**

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

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

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**Council**  
**9 May 2016**

**Key decisions made by the Cabinet since the Agenda for the Ordinary Meeting of the Council on 14 March 2016. These decisions have already been taken and this record is for Council's information only:**

Date	Key Decision No.	Title	Decision
15 March 2016	679	<b>USE OF COUNCIL OWNED GARAGE SITES</b>	<ol style="list-style-type: none"> <li>1) Cabinet <b>APPROVED</b> the disposal of the land at Beech Road, Oakham outlined in Appendix A to Report No. 59/2016 to Nottingham Community Housing Association at nil value, with conditions protecting the intended use and with the Council's legal, survey and valuation costs being met.</li> <li>2) Cabinet <b>APPROVED</b> the disposal of the land at Westfield Avenue, Oakham outlined at Appendix B to Report No. 59/2016 to De Montfort Housing Society at value of £60,000, with conditions protecting the intended use and with the Council's legal, survey and valuation costs being met.</li> <li>3) Cabinet <b>AUTHORISED</b> the Director for Places (Development and Economy), in consultation with the Cabinet Member with portfolio responsibility for Places (Development and Economy) and Resources, to be authorised to negotiate and finalise the detailed terms of the transfer.</li> </ol>
15 March 2016	680	<b>HIGHWAYS CAPITAL PROGRAMME AND STREET LIGHTING POLICY</b>	<ol style="list-style-type: none"> <li>1) Cabinet <b>APPROVED</b> the highway capital programme for 2016/2017 (attached as Appendix A to Report No. 01/2016).</li> <li>2) Cabinet <b>RECOMMENDED TO COUNCIL</b> undertaking borrowing of £420k from Salix at 0% for street lighting upgrades.</li> <li>3) Cabinet <b>NOTED</b> the indicative programmes for 2017/2018 and 2018/2019 (attached as Appendices B and C to Report No. 01/2016).</li> <li>4) Cabinet <b>NOTED</b> the revenue saving to be built into the MTFP due to street lighting upgrades.</li> <li>5) Cabinet <b>APPROVED</b> that Rutland County Council (the Council) continued to use Midlands Highway Alliance (HMA) medium schemes</li> </ol>

Date	Key Decision No.	Title	Decision
10			<p>framework for procuring schemes over the agreed Term Maintenance Contract threshold as part of an alliance with other Midland authorities.</p> <p>6) Cabinet <b>APPROVED</b> that the Council continue to use Leicestershire County Council's framework agreement to procure structural engineering work undertaken through the structural consultancy services trading agreement.</p> <p>7) Cabinet <b>APPROVED</b> that the Council's Highways Asset Management Plan was updated and amended utilising the 2016/17 incentive funding to ensure the authority reached Band 2 for 2017/18.</p> <p>8) Cabinet <b>APPROVED</b> the Street Lighting Policy (attached as Appendix E to Report No. 01/2016).</p> <p>9) Cabinet <b>APPROVED</b> that the Council upgraded all suitable stock to LED units, recover energy costs for community lighting from town and parish councils/meetings and inspect and maintain all lighting stock throughout the County.</p>
15 March 2016	681	<b>TRANSFER OF OAKHAM CEMETERY</b>	<p>1) Cabinet <b>APPROVED</b> the transfer of Oakham Cemetery to Oakham Town Council.</p> <p>2) Cabinet <b>APPROVED</b> the required Chapel repairs and some of the required general works to be funded from the cemetery revenue budget with the forecast outturn adjusted to reflect the resulting increase in expenditure.</p>
15 March 2016	682	<b>ENVIRONMENTAL SERVICES CONTRACTS</b>	<p>1) Cabinet <b>APPROVED</b> the proposed evaluation methodology for the dry mixed recycling and green waste treatment contracts as set out in Appendix 1 to Report No. 65/2016.</p> <p>2) Cabinet <b>DELEGATED</b> authority to award the contract in line with the evaluation criteria to the Director for Places (Environment, Planning and Transport) in consultation with the Portfolio Holder for Places (Highways, Environment, Transport and Community Safety).</p>

Date	Key Decision No.	Title	Decision
19 April 2016	752	<b>PARKING REVIEW</b>	<ol style="list-style-type: none"> <li>1) Cabinet <b>APPROVED</b> the recommended amendments and additions to parking restrictions listed in Appendix A and delegates the consideration of any objections to the statutory consultation for the traffic regulation orders (TROs) to the Director for Places in consultation with the Ward Members and Portfolio Holder, along with the authority to modify the proposed TROs.</li> <li>2) Cabinet <b>APPROVED</b> the changes to the process for the consideration of future amendments and additions to parking restrictions.</li> <li>3) Cabinet <b>APPROVED</b> an increase to Uppingham parking charges to cover the loss of the subsidy paid by Uppingham Town Council and delegates authority to the Director for Places in consultation with the Portfolio Holder, Ward Members and Town Council how the additional charges are distributed across the tariffs.</li> <li>4) Cabinet <b>NOTED</b> the removal of market day uplifts as part of the budget setting process.</li> <li>5) Cabinet <b>APPROVED</b> charges for on-street suspensions of £25 per 6m length.</li> </ol>
19 April 2016	753	<b>REFUGEE RELOCATION SCHEME</b>	<ol style="list-style-type: none"> <li>1) Cabinet <b>NOTED</b> that a version of this report will be considered by People (Children) Scrutiny Panel on 28 April 2016 which it is envisaged would be prior to the exercise of any powers delegated by Report 75/2016.</li> <li>2) Cabinet <b>AUTHORISED</b> the Director for Places (Development and Economy) and Director for People (in consultation with the Leader and the Portfolio Holders for Housing; Adult Social Care &amp; Health and Safeguarding Children &amp; Young People) to agree a protocol with other relevant councils in Leicester, Leicestershire and Rutland for the relocation of 12 refugees over a period of four to five years, excluding unaccompanied children.</li> <li>3) Cabinet <b>APPROVED</b> the implementation of the protocol, with Officers authorised to prepare reports to Council in consultation with the Leader with recommendations covering any aspects which would require the</li> </ol>

Date	Key Decision No.	Title	Decision
			approval of Council.
19 April 2016	754	<b>DRAFT HOUSING ALLOCATION POLICY</b>	1) Cabinet <b>APPROVED</b> the Housing Allocation Policy attached at Appendix C to the report (No.81/2016).
19 April 2016	755		<ol style="list-style-type: none"> <li>1) Cabinet <b>APPROVED</b> the procurement model and award criteria for residential care home beds;</li> <li>2) Cabinet <b>AUTHORISED</b> the Director for People, in consultation with the Cabinet Member with portfolio for Health and Adult Social Care, to award the contract(s) resulting from this procurement in line with the Award Criteria; and</li> <li>3) Cabinet <b>APPROVED</b> the extension to the current block contract with Primelife for Rutland Care Village from 1 June 2016 until 1 September 2016 whilst the procurement is undertaken and completed.</li> </ol>

# Agenda Item 11

## 5. **“PROPER OFFICER” DESIGNATIONS FOR STATUTORY PURPOSES:-**

5.1 The following officers are authorised to undertake the duties of the proper officer as determined by the relevant requirements of the appropriate legislation.

<b>No</b>	<b>Act Section of Schedule</b>	<b>FUNCTION</b>	<b>PROPER OFFICER</b>
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

<b>No</b>	<b>Act Section of Schedule</b>	<b>FUNCTION</b>	<b>PROPER OFFICER</b>
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	Head of Corporate Governance
36.	REPRESENTATION OF THE PEOPLE ACT 1983 S.52(2)	Deputy Electoral Registration Officer	Electoral services Officer
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

<b>No</b>	<b>Act Section of Schedule</b>	<b>FUNCTION</b>	<b>PROPER OFFICER</b>
42.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.5	Monitoring Officer	Director of Resources
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	Head of Corporate Governance
46.	LOCAL GOVERNMENT ACT 2000 (Local Authorities Referendums) (Petitions and Directions) regulations (England) 2000 P2 S4.1 and 2	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 Team Manager
54.	DATA PROTECTION ACT 1998	Data Protection Officer/Senior Information Risk Owner	Head of Corporate Governance
55.	CORONERS ACT 1988	Proper Officer – Coroner	Head of Corporate Governance
56.	CALDICOTT REVIEW 1997	Caldicott Guardian	Deputy Director for People
57.	CHILDREN ACT 2004 S 11	Local Authority Designated Officer (LADO)	Head of Safeguarding and Service Improvement

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