



# Rutland County Council

Catmose Oakham Rutland LE15 6HP.  
Telephone 01572 722577 Email [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)  
DX28340 Oakham

Minutes of the **TWO HUNDRED AND SEVENTY FIFTH MEETING of the COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 10th September, 2018 at 7.00 pm

**PRESENT:**

Mr I Arnold	Mr G Brown
Mr N Begy	Mr K Bool
Mr E Baines	Mr G Conde
Mr W Cross	Mr R Foster
Mrs J Fox	Mr O Hemsley
Mr J Lammie	Mr A Lowe
Mr A Mann	Mr M Oxley
Mrs L Stephenson	Miss G Waller
Mr A Walters	Mr D Wilby

**APOLOGIES:**

Mr R Alderman	Mr O Bird
Ms R Burkitt	Mr B Callaghan
Mr J Dale	Mr R Gale
Mr C Parsons	

**OFFICERS  
PRESENT:**

Mrs Helen Briggs	Chief Executive
Mr Phil Horsfield	Deputy Director Corporate Governance
Mrs N Taylor	Governance Manager
Mr K Silcock	Governance Officer

## **209 APOLOGIES**

Apologies were received from Mr Alderman, Mr Bird, Ms Burkitt, Mr Callaghan, Mr Dale, Mr Gale and Mr Parsons.

## **210 CHAIRMAN'S ANNOUNCEMENTS**

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

The Chairman expressed his deep condolences to Mr Gale whose daughter had recently passed away and confirmed that he would contact Mr Gale to convey the condolences of the Council.

The Chairman also expressed condolences to the family of Major DC Crouch DFC who passed away in August.

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

Mr Richard Foster (Armed Forces Champion) confirmed the recruitment of the Armed Forces Officer, Mrs Michelle Woolman-Lane. This post would be a fixed term contract for two years and Mrs Woolman-Lane would work to support the Armed Forces Community in Rutland and neighbouring areas.

## **212 DECLARATIONS OF INTEREST**

No declarations of interest were received.

## **213 MINUTES OF PREVIOUS MEETING**

The minutes the Minutes of the 274th meeting of the Rutland County Council District Council held on 9 July 2018 were confirmed by the Council and signed by the Chairman.

## **214 PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

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

## **215 QUESTIONS FROM MEMBERS OF THE COUNCIL**

### **i. Mr M E Baines**

In the light of the Haringey ruling on consultation is the Leader satisfied that the recent consultation process for the Local Plan and St George's Barracks meets these criteria?

The Leader, Mr Hemsley, replied as follows:

The Council is satisfied that the recent consultation in relation to St George's meets and exceeds the criteria required for consultation.

The Councillor will be aware that the Haringey case referred to was a 2014 decision and since that time there have a number of other legal decisions including Salford, Warwickshire, Trafford and Leicestershire (to name a few).

St George's is part of the overall local plan process with all the statutory consultation requirements that are included in this process. This Council has and will continue to seek and take into consideration all views to enable us to get the very best developments for Rutland that provide the maximum benefits to our existing communities.

As a supplementary question, Mr Baines sought further assurance that the Council were open to responses and views put forward citing the submission put forward by Wing Parish Council which expressed dissatisfaction with the current consultation and confirmed that they were opposed to the current proposals.

In response Mr Hemsley confirmed that there was no statutory requirement to carry out the further 6 week consultation, but that the decision to do this had been taken to ensure the process remained open and transparent and that all stakeholders including Parish Councils were kept informed. Mr Hemsley highlighted that concerns could be voiced through the St George's Advisory Board and that the Council was interested in the views of the Parish Councils and wanted to work with them.

He added that it appears that we are damned if we do and we are damned if we don't but the bottom line is we want what is right for Rutland.

ii. Mr J Lammie (To the Leader)

When establishing the St Georges Project Board in May 2017 there were only two Councillors on the Board (yourself due to your Cabinet position and Cllr Waller due to her being a Ward Member). Given the wide responsibility of the Board (to agree the vision, objectives, programme and resourcing for the St George's project for recommendation to the Programme Board) please can you as Leader and Chair of the Project Board inform Full Council -

- Who decided there should only be two Councillors on the Board? And why?
- Why was only one member of Cabinet included on the Board at this time, when Project is so large and cuts across more than one portfolio?

The Leader, Mr Hemsley, replied as follows:

In April 2017 Cabinet resolved to support the ROPE Programme Board and I am sure that Councillor Lammie will recall from that report to Cabinet that:

*2.4 The One Public Estate funding will potentially provide funding of £50,000 to support feasibility work;*

*2.6 The feasibility study will be used to explore opportunities and to test with our partners what might be the best options going forward;*

*2.8 In order to support the initial stages of the project a Programme Board has been established. This is chaired by the Leader. Cabinet are also represented by the Deputy Leader and Portfolio Holder for Health and Social Care. The Board also has representatives from the Cabinet Office OPE Team, our Local Enterprise Partnership, the Local Government Association and the Ministry of Defence. The Chief Executive is the Project Sponsor.*

The Programme Board was informed by 4 Task Groups Commercial, Minerals and Leisure, Advance Delivery and Housing, the makeup of the Programme Board was decided at the initial meeting of the Board as there was a need to have representation from the various organisations, the Board has no decision

making ability and is only used to help guide the project and work through feasibility of the projects something that is still work in progress.

The Board has always had the ability to change the composition of the Boards subject to Board approval. As the project has changed so has the makeup of the Programme Board and Project Boards. The work that was being done needed a Councillor steer but required the involvement of partner organisations as explained in para. 2.8 of the April 2017 report and hence the two Councillors in the beginning of the Project Board. There is always a need to balance expediency with numbers and as I will come on to explain the board has evolved as the project has.

For clarity I offer the structure of the Boards and would ask that you remember that the Project Board reports to the Rutland One Public Estate (ROPE) Programme Board who in turn report to Cabinet.

We have Scrutiny Panels and the purpose of Scrutiny is to look at just these things.

Like all things the project has moved on and you can clearly see that the role of Chair has been taken by myself in April 2018 and Gordon Brown has been brought onto the Board recently. In addition alongside the St George's Project we have established an Advisory Group with 6 County Councillors and the relevant Parish Councillors in June.

So to answer your question our former Leader, myself and with advise from officers we arrived at the number of two councillors and please remember that the Leader also sat on the ROPE Board as Chair.

This really answers the first part of your second question and clearly as the project has evolved so has the input from Cabinet and Cabinet are all briefed regularly on where the project is and to answer your third question (below) the reason for bringing on Gordon Brown was that originally I had been on the Board as Deputy and I remained on the Board when I became Leader to give continuity, I am also on the ROPE board and it adds strength to the Board and the integrity of the Board by having Portfolio Holder for Finance.

As a supplementary question Mr Lammie requested whether the representatives from the Project Support Boards still sat on the Delivery Board.

Mr Hemsley confirmed that they still informed the Board and attended as and when required.

iii. Mr Lammie (To the Leader)

At Cabinet on 21st August it was announced that Cllr Brown had been added onto the Project Board. Please can you as Leader and Chair of the Project Board inform Full Council -

- What were the reasons for adding Cllr Brown onto the Board?
- Given that the Board has been meeting for over a year, why is it only now that Cllr Brown has been to the Board?

The Leader, Mr Hemsley, replied as follows:

When Tony Mathias stepped down as Leader in January of this year there was a need to keep business as usual and since this time my Deputy has had to resign and so Gordon has only been Deputy Leader since July. Changes to the Board have to be agreed by the Project Board and so it was proposed to bring on the Deputy Leader because:

- He holds the portfolio for finance and property which will be an important part of the project going forward. He has been active on the Officers Mess Project since February;
- His private sector experience of finance, project management and as well as planning policy across a number of local authorities.

Finally, it should be noted that Scrutiny under the new Chair has specifically asked for a special meeting of the Panel to consider the current status of the feasibility study.

Further detail can be added in a written answer if required.

## **216 REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL**

No Committee decisions had been referred.

## **217 CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 7 JULY 2018 TO 7 SEPTEMBER 2018 (INCLUSIVE)**

No call-ins were received.

## **218 EXCLUSION OF THE PUBLIC AND PRESS**

Council resolved to remain in public session.

## **219 REPORT FROM THE CABINET**

Report No. 148/2018 for the Cabinet was received, the purpose of which was to consider the recommendations of Cabinet referred to Council for determination and report the Key Decisions made by Cabinet since the publication of the agenda for the previous meeting of the Council on 9 July 2018.

- 1) Council **NOTED** the Key Decisions made since the publication of the agenda for the previous ordinary meeting of the Council on 9 July 2018, as detailed in Appendix A and B to report 148/2018.
- 2) **31 July 2018**  
**Decision No. 170**  
**Report No. 133/2018**  
**ANNUAL REPORT**

Mr Hemsley moved the recommendations in the report. Mrs Stephenson seconded the recommendations.

During debate of the recommendations points raised included:

- i. The Leader, Mr Hemsley, noted feedback from Miss Waller regarding the use of jargon and abbreviations and would consider these comments in the next iteration of the report;
- ii. Mr Conde highlighted the statistics regarding the number of delayed days' transfer of care and noted that this may become more challenging should the Sustainability and Transformation Plans seek to close community hospitals. Mr Walters, Portfolio Holder for Safeguarding Adults, was not aware of any plans to close community hospitals in Rutland and confirmed that preserving services to local residents was a priority, whilst noting that many of the transfers would not actually be Rutland residents, as patients were discharged to the nearest available bed;
- iii. Mr Conde also highlighted that the Council had not achieved its affordable homes target. Mr Brown, Portfolio Holder for Planning Policy and Operations, confirmed that this was due to problems experienced due to a delayed project. The Council were on target to build 60 affordable homes this year which would catch up on last year's shortfall;
- iv. Mr Oxley asked for further information regarding dissemination and recommended Facebook as a good vehicle for sharing this document;
- v. The Chief Executive confirmed that it was not possible to send out this information with Council Tax demands due to statutory restrictions; and
- vi. Mr Baines felt that the comments regarding a gender gap in relation to G.C.S.E results was misleading. Mr Wilby, Portfolio Holder for Lifelong Learning, confirmed these comments would be taken on board.

## **RESOLVED**

To **APPROVE** the recommendation from cabinet to approve the Annual Report (Appendix C of Report No. 148/2018)

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

Report No. 151/2018 was received from the Chair of the Employment and Appeals Committee.

The purpose of the Report was to set out the work of the Employment and Appeals Committee for the 2017/18 in an annual report for Council's information as a matter of good practice.

## **RESOLVED**

To **NOTE** the Annual Report of the Employment and Appeals Committee.

## **221 REPORTS FROM SCRUTINY COMMISSION / SCRUTINY PANELS**

Mr Conde informed Council that the Scrutiny Commission had been working on creating Annual Work Plans for each Scrutiny Panel which would inform the work of each panel in order to provide a more structured and balanced approach. These work plans would be discussed and reviewed at each individual Panel meeting and Scrutiny Chairs would be circulating them by email in due course.

Mr Conde confirmed that Scrutiny Commission had appointed him Chairman of Scrutiny Commission for the remainder of the 18/19 Municipal Year.

## **222 JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

i. Mr Bool - Combined Fire Authority

Mr Bool confirmed that they were operating in line with financial targets and were looking at ways of saving costs. The fire authority were also looking at ways of taking on apprentices.

In response to a question from Mr Wilby, Mr Bool confirmed that following the Grenfell Tower fire there had been a full investigation to ensure there was no risk due to defective cladding. There was also an evaluation of the availability of higher ladders and advice was also provided to various establishments including those in high rise buildings and hotels. The Chief Executive, Mrs Briggs, also confirmed that following a request from the Local Government Association, information has been provided for all properties in our local authority area and there is ongoing support that can be given to private organisations. Confirmation had also been provided to the Ministry of Housing, Communities and Local Government that there were no high rise buildings in Rutland;

ii. Miss Waller - Leicester, Leicestershire and Rutland Joint Health Scrutiny Panel

There was a meeting on 4 September 2018. The meetings are clerked by Leicester City and the minutes can be found on their website. A summary of the items considered included:

1. Presentation from East Midlands Ambulance Service. They had received significant additional funding and as such were expecting to meet their targets in future. Their presentation on the way forward referred to managing expectations. Miss Waller hoped that Rutland's Adults and Health Scrutiny Panel would consider EMAS' plan and its implications for Rutland.
2. Hospital Patient Transport report was provided by Thames Ambulance Service, the Joint Panel requested a further more detailed report.
3. Planned Care Policies Report on services the CCG commission. CCG's currently consulting on which services to continue/start to commission and which to cease.
4. Better Care Together (Sustainability and Transformation Partnership - STP) Initial consultation of the STP in 2016 had led nowhere and although local work has been undertaken, and with some success in Rutland, there has not been further public consultation on the direction of travel until now. The CCG have produced a document "Next Steps to Better Care in Leicester, Leicestershire and Rutland" which still leaves many questions unanswered. Miss Waller hoped the consultation paper would be considered by the Adults and Health Scrutiny Panel.
5. University Hospitals Leicester (UHL) proposals to amalgamate all intensive care support to one site. Consultation began in 2015, but it came to RCC Adults and Health Scrutiny Panel in April 2018. UHL had had not made clear to the Rutland Panel that they were proposing to go ahead when they received the necessary funding without public consultation. They were legally required to consult with the public unless the matter is urgent. They had told Leicestershire and Leicester City Scrutiny Panels in 2015 that the matter was urgent and they told the same to the Rutland Scrutiny Panel earlier this year, but they had not

planned a consultation process over this 3 years. The meeting was adjourned due to lack of time, to be reconvened later this month.

iii. Mr Foster - Trustees of Carlton Hayes Charity

Mr Foster reminded members that this Trust had been established to provide grants for organisations/groups in Leicester, Leicestershire and Rutland and should they know of any groups that may fulfil the criteria to talk to him.

## **223 NOTICES OF MOTION**

No notices of motion had been submitted.

## **224 COUNCIL APPOINTMENTS**

Report No. 140/2018 was received from the Director for Resources.

The Chairman indicated that the addendum report on Political Balance would be considered first.

### Report No. 140/2018 (Addendum)

Mr Horsfield, Deputy Director Corporate Governance, introduced the report on review of political balance, the purpose of which was to comply with the statutory requirement to review political balance following the recent by-election in the Ward of Oakham South West. The revised political balance calculation had resulted in seats allocated to the Conservative Group being reduced by two and seat allocated to the non-aligned members being increased by two.

Mr Hemsley moved the recommendations in the report. Mr Foster seconded the recommendations.

The chairman indicated that he would deal with each recommendation separately.

## **RESOLVED**

- 1) To **APPROVE** the revised political balance calculation as per paragraph 2.7 of Addendum to Report No. 140/2018.

--o0o--

The Leader, Mr Hemsley, indicated that the two Conservative seats to be given to the non-aligned Councillors would be one seat on the Planning and Licensing Committee and one seat on the Conduct Committee.

Mr Hemsley also noted that the remaining vacant Conservative seat on the Conduct Committee would be taken by himself.

The Chairman invited nominations for the non-aligned seat on the Planning and Licensing Committee.

A nomination was received from Mr Hemsley who proposed the appointment of Mr Dale to the Planning and Licensing Committee. This was seconded by Mr Brown.

## **RESOLVED**



2)i) Mr J T Dale was appointed to the Planning and Licensing Committee.

--o0o--

The Chairman invited nominations for the non-aligned seat on the Conduct Committee.

A nomination was received from Mr Oxley who proposed the appointment of Miss G Waller. This was seconded by Mr Lammie.

## **RESOLVED**

2) i) Miss G Waller was appointed to the Conduct Committee.

--o0o--

### Report No. 140/2018 (Main Report)

Mr Horsfield, Deputy Director Corporate Governance, introduced the report and explained that due to member resignations there were roles and appointments as indicated in the report that required appointment by Council.

The Chairman invited nominations for Chair of Conduct Committee.

A nomination was received from Mr Brown who proposed the appointment of Mr Hemsley. This was seconded by Mr Walters.

A further nomination was received from Mr Oxley who proposed Miss Waller. This was seconded.

Mr Hemsley and Miss Waller each gave a short speech regarding their previous experience and suitability for the role.

## **RESOLVED**

1) Mr O Hemsley was appointed Chairman of Conduct Committee.

The Chairman invited nominations for Vice-Chairman of Planning and Licensing Committee.

A nomination was received from Mr Hemsley who proposed Mr Dale. This was seconded by Mr Baines.

A further nomination was received from Miss Waller who proposed Mr Oxley. This was seconded by Mr Arnold.

Mr Oxley gave a short speech regarding his previous experience and suitability for this role.

## **RESOLVED**

2) Mr J T Dale was appointed Vice-Chairman of Planning and Licensing Committee.

Mr Oxley proposed an amendment to recommendation 3) that a further County Council representative be appointed to the Joint Safety Committee to replace Mr Stewart. This was seconded by Miss Waller.

A nomination for the additional appointment to the Joint Safety Committee was received from Mr Hemsley who proposed Mr Brown. This was seconded by Mr Oxley.

Council voted on the amendment which was carried and became the substantive motion to be debated.

## **RESOLVED**

- 3) To **APPROVE** changes to appointments to Outside Organisations as detailed in Section 2.2 of Report (Subject to Mr G Brown being added as a representative on the Joint Safety Committee).

## **225 COUNTER FRAUD AND CORRUPTION POLICY**

Report No. 139/2018 was received from the Director for Resources.

Mr Brown introduced and moved the recommendations in the report. Mr Foster seconded the recommendations.

## **RESOLVED**

To **APPROVE** the Counter Fraud and Corruption Policy (Appendix A of Report No. 139/2018)

## **226 PLANNING REFERRAL PROCESS**

Report No. 149/2018 was received from the Director for Resources.

Mr Hemsley introduced the report and moved the recommendations in the report. Mr Baines seconded the recommendations.

In his introduction Mr Hemsley highlighted that the recommendations in the report were not to have effect until May 2019.

Following significant debate on the implications should the Planning Committee be excluded from the Political Balance calculations and an explanation of the legislation, which requires no member to vote against the recommendation in order for it to be carried, from the Monitoring Officer the report was **WITHDRAWN** with the consent of Mr Hemsley and Mr Baines.

As the intention was that the recommendations would not be effective until May 2019, it was felt appropriate to allow the Constitution Review Working Group time to reconsider the implications.

## **227 SCHEME FOR HONORARY ALDERMEN AND FREEMEN**

Report No. 150/2018 was received from the Director for Resources.

Mr P Horsfield, Deputy Director Corporate Governance, introduced the report, the purpose of which was to seek Council approval of a protocol for the award of titles of Honorary Alderman/Alderwoman and Honorary Freeman/Freewoman.

Mr Hemsley moved the recommendations in the report. Mr Oxley seconded the recommendations.

During debate of the recommendations the following points were raised:

- i. Mr Oxley welcomed the report as it had been such a long time since the honour was last awarded to T Sutherland in 1995 and there must be many people working within the community who would be deserving of such an award;
- ii. Mr Horsfield confirmed that a “super majority” (Two-thirds majority vote) was required in order for Council to confer the award and also that it was possible to award posthumously;
- iii. Mrs Briggs, Chief Executive, advised Members that there had been several suggestions put forward over the years for people who would have fitted the criteria for Aldermen, along with those not eligible for Aldermen but who would have been eligible for the award of Freeman should the Council have had a scheme in place. As Clerk for the Lieutenancy, Mrs Briggs noted that Rutland was also underrepresented in the honours system, but that there were many people within the County whose work and contribution should be recognised in some way.

## **RESOLVED**

Council **ADOPTED** the Policy regarding the conferring of the title of Honorary Alderman/Alderwoman and Honorary Freeman/Freewoman attached at Appendix A of Report No. 150/2018.

## **228 LOCAL ENTERPRISE PARTNERSHIP REVIEW**

The Chief Executive advised Members that the Government had issued a paper in July regarding the future of Local Enterprise Partnerships (LEPs). Council were requested to submit proposals regarding the geographical area. Although Rutland is currently part of the Greater Cambridge/Greater Peterborough LEP they had not been forthcoming in speaking to Rutland regarding future plans. The Leader and Deputy would be contacting other local LEPs including South East Midlands and Leicester and Leicestershire and would also be looking to the Ministry of Housing, Communities and Local Government as well as the Department for Business, Energy and Industrial Strategy for advice.

Members would be updated of any further developments in due course.

## **229 ANY URGENT BUSINESS**

Mr Hemsley advised that there would be a Members Briefing following the October and November Council meetings to update members on St George’s Barracks.

---oOo---

**The Chairman declared the meeting closed at 9.00 pm.**

---oOo---