



Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP
Telephone 01572 722577 Email governance@rutland.gov.uk
DX28340 Oakham

Members of Rutland County Council District Council are hereby summoned to attend the **TWO HUNDRED AND SEVENTY SIXTH MEETING OF THE COUNCIL** to be held in the Council Chamber at Catmose, Oakham on **8 October 2018 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 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 275th meeting of the Rutland County Council District Council held on 10 September 2018.

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

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.

9) CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 10 September 2018 to 5 October 2018 (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 5 - 8)

To receive Report No. 181/2018 from the Cabinet to note the Key Decisions taken at its meeting held on 18 September 2018.

11) REPORTS FROM COMMITTEES OF THE COUNCIL (Pages 9 - 14)

- 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.
- b. To receive reports from Council Committees on any other matters and to receive questions and answers on any of those reports.
 - i. Report No. 183/2018
Annual Report of the Audit and Risk Committee.

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 15 - 16)

To consider the Notice of Motion submitted by Councillor Marc Oxley and seconded by Councillor Ben Callaghan in accordance with Procedure Rule 34, the text of which can be found in the agenda pack.

15) PLANNING REFERRAL PROCESS (Pages 17 - 20)

To receive Report No. 189/2018 from the Director for Resources.

16) 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 J Dale – Vice-Chairman of the Council

Mr R Alderman
Mr G Brown
Mr E Baines
Ms R Burkitt
Mr G Conde
Mr R Foster
Mr R Gale
Mr J Lammie
Mr A Mann
Mr C Parsons
Miss G Waller
Mr D Wilby

Mr I Arnold
Mr N Begy
Mr O Bird
Mr B Callaghan
Mr W Cross
Mrs J Fox
Mr O Hemsley
Mr A Lowe
Mr M Oxley
Mrs L Stephenson
Mr A Walters

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THE COUNCIL'S STRATEGIC AIMS

Sustainable Growth

Safeguarding

Reaching our Full Potential

Sound Financial and Workforce Planning

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COUNCIL

8 October 2018

CABINET RECOMMENDATIONS TO COUNCIL

Report of the Cabinet

Strategic Aim:	All		
Exempt Information		No	
Cabinet Member(s) Responsible:		N/A	
Contact Officer(s):	Natasha Taylor, Governance Manager	01572 720991 ntaylor@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 10 September 2018, as detailed in Appendix A to this report.

1 PURPOSE OF THE REPORT

- 1.1 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 10 September 2018, as detailed in Appendix A to this report.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 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 18 September 2018.

3 CONSULTATION

- 3.1 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 contained in the reports referred to in Appendix A.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 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 contained in the reports referred to in Appendix A.

8 COMMUNITY SAFETY IMPLICATIONS

- 8.1 Any Community Safety implications are contained in the reports referred to in Appendix A.

9 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 Any Health and Wellbeing implications are 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: 18 September 2018.

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.

Council
8 October 2018

Key decisions made by the Cabinet since the publication of the Agenda for the Meeting of the Council on 10 September 2018. These decisions have already been taken and this record is for Council's information only:

Date	Key Decision No.	Title	Decision
18 September 2018	249	WINTER SERVICE REVIEW	<p>Cabinet:</p> <ol style="list-style-type: none"> 1) APPROVED the Winter Service Policy in Appendix 1 of Report 121/2018. 2) APPROVED the treatment routes as detailed in Appendix 2 of Report 121/2018 with the addition of the route from Braunston Road to Ayston Road in Uppingham, for inclusion in the Winter Service Operational Plan. 3) APPROVED that Parishes will be charged for all grit bin re-fills from the 2019/20 winter season. 4) APPROVED that grit bins not having received any use prior to the start of the 2021/22 will be removed.
18 September 2018	250	INTEGRATED TRANSPORT CAPITAL PROGRAMME	<p>Cabinet:</p> <ol style="list-style-type: none"> 1) APPROVED the recommendation to introduce a new process from considering requests for service, as described in Part 3 of Report No. 141/2018. 2) APPROVED the creation of the Highways and Transport Working Group. 3) APPROVED the adoption of the Terms of Reference for the Highways and Transport Working Group, described in Appendix B of Report No. 141/2018. 4) APPROVED the delegation of authority to the Strategic Director for Places, in consultation with the Cabinet Member with portfolio for Culture and Leisure, Highways & Transportation and Communications and the Portfolio Holder for Safeguarding – Adults, Public Health,

Date	Key Decision No.	Title	Decision
			<p>Health Commissioning, Community Safety & Road Safety, to authorise use of the funding, up to £760,000.00.</p> <p>5) APPROVED the delegation of authority to the Strategic Director for places in consultation with the Director of Resources and the Cabinet Member with portfolio for Culture and Leisure, Highways & Transportation and Communications and the Portfolio Holder for Safeguarding – Adults, Public Health, Health Commissioning, Community Safety & Road Safety to set aside Contract Standing Orders for the purchase of the vehicles detailed in Appendix C of Report No. 141/2018.</p>

COUNCIL

8 October 2018

ANNUAL REPORT OF AUDIT AND RISK COMMITTEE

Report of the Chair of Audit and Risk Committee

Strategic Aim:	All		
Exempt Information		No	
Cabinet Member(s) Responsible:		N/A	
Contact Officer(s):	Cllr G Waller, Chair of Audit and Risk Committee		N/A
Ward Councillors	N/A		

DECISION RECOMMENDATIONS

That Council notes the annual report of the Audit and Risk Committee

1 PURPOSE OF THE REPORT

- 1.1 To set out the work of the Committee in an annual report in line with best practice.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 CIPFA best practice on Audit Committees recommends two key actions:

- Committees undertake an annual review of their effectiveness; and
- Committees produce an annual report on their activity.

- 2.2 The effectiveness review was deferred due to changes in the Audit Committee membership.

- 2.3 The Annual Report in Appendix A summarises the work of the Committee in the year and has been signed off by the Chair.

3 CONSULTATION

- 3.1 No formal consultation is required.

4 ALTERNATIVE OPTIONS

- 4.1 The report was approved by the Audit and Risk Committee on 11 September 2018 and is presented to Council for information purposes.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from this report.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 The Audit and Risk Committee is not formally required in the Constitution to produce an annual report.
- 6.2 As Audit and Risk Committee acts under delegation of powers from Council, the committee considers it a matter of good practice to report back to Council on the work it undertakes.

7 DATA PROTECTION IMPLICATIONS

- 7.1 A data protection impact assessment has not been completed as there are no data protection implications.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment (EqIA) has not been completed.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 There are no community safety implications.

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 There are no health and wellbeing implications.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 11.1 To summarise the work of the Committee in an annual report in line with best practice.

12 BACKGROUND PAPERS

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

13 APPENDICES

Appendix A – Annual Report

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

Appendix A - ANNUAL REPORT OF THE AUDIT AND RISK COMMITTEE FOR 17/18

1. Background

The purpose of the Audit and Risk Committee is to provide assurance of the adequacy of the risk management framework and control environment, scrutiny of the authority's financial and non-financial performance in that context, and oversee the financial reporting process, including:

- To review summary internal audit reports and actions arising from them.
- To consider reports of external audit and inspection agencies and monitor action arising from them.
- To monitor the effective development and operation of risk management and corporate governance.
- To monitor the effectiveness of the whistleblowing and anti-fraud and anti-corruption policies.
- To approve the annual governance statement.
- To approve the annual statement of accounts for publication

The Terms of Reference can be found in the Constitution and were refreshed and approved at the meeting in April 2018.

This report, in line with best practice, sets out the committee's work and performance during the year, including how it has met its terms of reference.

2. Membership of the Committee and meetings

The Committee has met on the following dates with the following attendees:

	April 25th	July 11th	August 30th	September 19th	January 30th
Cllr MacDuff	X	N/A	N/A	N/A	N/A
Cllr Baines	X	N/A	N/A	N/A	N/A
Cllr Lammie	-	X	X	X	A
Cllr Waller	X	X	X	X	X
Cllr Burkitt	N/A	X	X	X	X
Cllr Fox	N/A	X	X	X	A
Cllr Arnold	N/A	N/A	N/A	X	X
Cllr Begy	X	X	X	R	X
Cllr Conde	A	X	X	X	X
Cllr Oxley	X	R	X	N/A	N/A
Cllr Brown				S	
Cllr Bird		S			

KEY	
N/A	Not appointed to panel at this time
X	Present
A	Apologies given
R	Representative sent as alternative
-	Absent
S	Attended as Substitute

Cllr Waller became the Chair after Annual Council in May 2017.

Cllr Arnold replaced Cllr Oxley after Council in September 2017.

Senior Officers from the Council are also present, including the Director for Resources, Section 151 Officer, the Head of Internal Audit and where appropriate the External Auditor (KPMG) also attended. The Chair of the Committee also meets in private with Audit Services & the Section 151 Officer on a regular basis.

3. Audit Committee business

During the year the Committee conducted the following business:

- Received the annual internal audit report for 2016/17
- Received the external audit plan for 2016/17
- Received the annual fraud report for 2016/17
- Received limited assurance reports across a number of areas and requested follow up work to assess the implementation of agreed actions
- Reviewed and contributed to a draft of the Annual Governance Statement
- Approved the Internal Audit plan for 2017/18
- Received Internal Audit updates of progress against the Audit Plan (a full list of audits and consultancy projects delivered are listed in an annex to this report)
- Considered its training requirements and agreed to undertake training sessions at every second meeting (two sessions were held in the year on “Effective Audit Committees” and “Audit Plan development”)
- Received and reviewed the Councils fraud risk register
- Received the Council’s strategic risk register
- Approved the Statement of Accounts for 2016/17
- Received the external auditors Annual Governance Report
- Approved the Internal Audit charter in July 2017

4. The Committee’s main achievements

The Committee believes its key achievements during the year were:

- Engaging in the audit planning process to ensure the internal audit plan focuses on key risk areas
- Review of Risk Register and Fraud Risk Register in order to seek assurance that key risks are being appropriately mitigated. Thereby, providing additional assurance through a process of independent review.
- Scrutinising the Statement of Accounts prior to approval
- Approving a project management framework for use in delivering key projects in January 2018
- Undertaking a lessons learned review into the Children’s Centre and library project in August 2017
- Reviewing details of a service provider fraud in respect of public health and ensuring adequate arrangements were in place to avoid reoccurrences

5. Audit Committee effectiveness review

The Committee originally planned to review its effectiveness in 2018, however with various changes to the membership of the Committee, this review was deferred.

6. Conclusion

The Committee was able to confirm:

- That the system of internal control, governance and risk management in the authority was adequate in identifying risks and allowing the authority to understand the appropriate management of these risks.
- That there were no areas of significant duplication or omission in the systems of internal control, governance and risk management that had come to the Committee's attention, that had not been adequately resolved or were in the process of being resolved.

The Committee's conclusion is based on assurance gained from its own work and the work of Internal Audit and External Audit.

Audit Area
Creditors
Debtors
Local Taxation
Benefits
Payroll
Main Accounting
Cyber Security
Risk Management
Fraud Risk Register
Council Tax Fraud and NNDR Fraud
Business Continuity Management and Emergency Plan
Treasury Management
Waste Contract
Safeguarding Children
Safer Recruitment*
Deputyship and Court of Protection
Direct Payments
Castle Restoration
Affordable Housing – monitoring (consultancy)*
SEN (consultancy)*

* Reports considered as substantive items by the Committee.

Notice of Motion to RCC Full Council 8th October

Councillor Oliver Bird has expressed an interest in filling the vacancy on the Oakham Town Task and Finish Group and has the full support of the Rutland Independent group in this request. He is an Oakham ward member and is best placed in our opinion to help in taking this very worthwhile project forward. He has ensured that he be kept fully informed of the progress of the Working Group as a recipient of minutes of meetings and through conversations he has had with other members of the working group.

I would therefore ask for the following notice of motion to be given at Rutland County Councils next Full Council meeting scheduled for the 8th of October.

"That Rutland County Council supports the motion that Councillor Oliver Bird be offered the vacant seat on the Oakham Town Task and Finish Group following the resignation of Mr Richard Clifton from Rutland County Council."

Motion Received: 24 September 2018

Signed by: Councillor M Oxley and Councillor B Callaghan

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COUNCIL

8th October 2018

PLANNING REFERRAL PROCESS

Report of the Director for Resources

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader	
Contact Officer(s):	Saverio Della Rocca, Director for Resources	01572 758159 sdrocca@rutland.gov.uk
	Phil Horsfield, Deputy Director Corporate Governance	01572 758154 phorsfield@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Council:

1. Increases the number of members on the Planning and Licensing Committee to 12;
2. Amends the Constitution to require that the quorum for the meeting be 50% of the membership;
3. Amends the Constitution to remove the option to substitute Members should a member of the Committee not be able to attend;
4. Appoints the membership in line with the overall balance of the Council treating any non-aligned members as a group for the purpose of the calculation;
5. Procedure Rule 110 be amended to remove the referral process for Committee or Sub-Committee exercising a regulatory function;
6. Authorises the Monitoring Officer to incorporate the revisions and changes above into the Council's Constitution.

1 PURPOSE OF THE REPORT

- 1.1 The Constitution Review Working Group proposes that Procedure Rule 110 be amended immediately to remove the referral process for Committee or Sub-Committee exercising a regulatory function, thus removing the ability for members to refer planning decisions made at Planning and Licensing Committee to Council.
- 1.2 The Constitution Review Working Group propose changes to the procedure and composition of the Planning and Licensing Committee as detailed, in order to mitigate the concerns raised by members regarding the removal of the referral process,

- 1.3 To approve other amendments to the Constitution in relation to referral of planning decisions.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 At a meeting on 13th October 2017, Members considered the planning referral process and some changes were implemented to reflect lessons learnt as a result of a referral to Council some weeks before the meeting.
- 2.2 The following changes were presented to Council for approval on 13 November 2017:
- 2.2.1 Revised Public Speaking Scheme; and
- 2.2.2 Amendment of PR28 so that anyone who spoke at the original Planning Committee should also have a right to speak at the Council meeting when a decision is referred under PR110
- 2.3 In April 2018, following a referral of a planning decision under PR110, Members requested that further consider the general approach adopted by the Council.
- 2.4 The Constitution Review Working Group met and considered these matters. An initial report making proposals for the removal of the referral mechanism was considered by Council at the meeting of May 14th 2018. These matters were again considered by CRWG and Council in September 2018.
- 2.5 Councillors at that meeting explained some of their concerns and made suggestions. While some of these suggestions could not be implemented owing to restrictions within the legislation, Council considered that examination of these ideas could not be done at the meeting where they were proposed and consequently the matter came back before the CRWG for consideration.
- 2.6 The Group met and considered these issues again on 11th July 2018. The Group also considered the ideas discussed in Council. While it was not possible to introduce the changes proposed at Council the Group considered that the size of the Committee and the increase in the quorum required would provide additional safeguards.
- 2.7 The recommendations above have been produced by the CRWG as striking the right balance between ensuring the proper involvement of the democratic process in the planning decision making process, ensuring that the Council is able to meet its duties in relation to the timescales for determination and ensuring those applying have a decision as promptly as possible.

3 CONSULTATION

- 3.1 This is detailed in the report.

4 ALTERNATIVE OPTIONS

- 4.1 The alternative to the proposed removal of the planning referral process would be to make amendments to the process in order to implement tighter controls. It is not considered appropriate to retain the status quo, as following a recent referral of a planning decision to Council, Members requested a review of the Councils

approach.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 There is no legal requirement to have a referral process for planning decisions. It is for the Council to determine the Planning Procedure Rules. It is unusual for Councils to adopt such a procedure as call-in is usually reserved only for Scrutiny to examine key decisions made by the Executive.

- 6.2 The political proportionality rules that apply in allocating seats on Committees etc. are set out in Section 15 and 16 of the Local Government and Housing Act 1989 and apply only to political groups and not non-aligned Members. Alternative arrangements not complying with section 15 and 16 of the 1989 Act may be made by virtue of Section 17 of the 1989 Act but only if **no Member of the relevant authority votes against the recommendation.**

7 EQUALITY IMPACT ASSESSMENT

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

8 COMMUNITY SAFETY IMPLICATIONS

- 8.1 There are no community safety implications.

9 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 There are no health and wellbeing implications.

10 BACKGROUND PAPERS

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

11 APPENDICES

- 11.1 None

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