



Rutland County Council

Catmose Oakham Rutland LE15 6HP.
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Minutes of the **TWO HUNDRED AND EIGHTIETH MEETING of the COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 25th February, 2019 at 7.00 pm

PRESENT:

Mr I Arnold	Mr G Brown
Mr K Bool	Mr E Baines
Mr O Bird	Ms R Burkitt
Mr R Foster	Mrs J Fox
Mr O Hemsley	Mr J Lammie
Mr A Lowe	Mr M Oxley
Mr C Parsons	Mrs L Stephenson
Miss G Waller	Mr A Walters
Mr D Wilby	

OFFICERS PRESENT:

Mrs H Briggs	Chief Executive
Mr S Della Rocca	Strategic Director for Resources
Mr P Horsfield	Deputy Director for Resources – Corporate Governance (Monitoring Officer)
Mr M Waik	Strategic Communications Advisor
Mrs N Taylor	Governance Manager

633 APOLOGIES

Apologies were received from Mr Begy, Mr Callaghan, Mr Conde, Mr Cross, Mr Dale, Mr Gale and Mr Mann.

634 CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that his engagements had been circulated in advance of the meeting.

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

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

636 DECLARATIONS OF INTEREST

Mr Oxley declared a pecuniary interest in item 7 (Fees and Charges Report) in relation to Burial Charges.

Mrs Stephenson declared a pecuniary interest in item 7 (Fees and Charges Report) in relation to charges for A-board licences.

Mr Baines declared a pecuniary interest in item 7 (Fees and Charges Report) in relation to charges for A-board licences.

Mr Parsons declared a pecuniary interest in item 7 (Fees and Charges Report) in relation to charges for A-board licences.

637 PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC

i. Mr P Cummings (On behalf of North Luffenham Parish Council)

Tonight you will be considering the FY19/20 Budget in detail. Having attended the excellent Budget Briefing recently, I am aware how taut the Council's Budget is and how much work has gone into its preparation.

Bearing in mind the significant opposition from within the Council to the submission of an HIF bid in support of the proposed St George's Barracks Development. Together with the staunch opposition to the scale of the proposed development made by the local Parish Councils through the SGB Advisory Group, the Parish Forum and the Parish Council Liaison Group; and most importantly the concerns of council tax payers of the County, who have expressed their very clear views through the media and indeed in person to the County Council at your last meeting. It is clear that there is a fervent appetite to challenge the County Council every inch of the way, over this development.

It is quite clear that there will be legal challenges to your proposals, especially in respect of the proposed changes to the Draft Local Plan Spatial Strategy, consulted upon in August last year, which many consider to be fatally flawed and frankly indefensible and will therefore inevitably be subject to strong legal challenge. Can you please confirm the amount of the financial provision which has been made within the budget to fund such challenges and could you confirm that you consider this an appropriate use of the funds provided by Rutland Council Tax Payers.

Response provided by Mr G Brown (Deputy Leader and Portfolio Holder for Planning, Environment, Property and Finance):

It would be very disappointing if residents decided to pursue a legal challenge regarding the process around Local Plan and waste both Council Tax payer's money and those of the residents. Clearly the Council has and will take appropriate advice to ensure that are processes are sound and therefore reducing the risk of such challenges.

It would be more productive for all concerned that the representatives from the community to spend time working with the Council and the MOD to minimise the impact of the development of this brownfield site rather than help lawyers make more money and put even more pressure on stretched Council resources.

I would draw member's attention to Big Page 135 paragraph 8 where this matter has already been addressed, however for the sake of transparency, the Council has included an additional £160k in its 19/20 to cover costs associated with the development of Local Plan, legal costs and examination.

The Council also has a legal budget of c£260k which funds legal advice required pertaining to all Council matters. It also has a further earmarked reserve for legal activities of c£150k which it can draw upon if required alongside over £9 million of General Fund balances.

The Council has not put aside any specific amount for legal challenges relating to the Local Plan but as already mentioned, it has significant resources and reserves it can draw upon if needed.

It is right and proper that the Council uses its funding to deliver its statutory responsibilities. This can of course include dealing with legal challenges and other matters as part of due process as required by statute.

The Chairman invited Members to ask Mr Cummings questions:

- Miss Waller clarified that the question was asked in the context of being Chairman of the Audit and Risk Committee. Miss Waller asked Mr Cummings what he would do if he were sitting in the seat of Mr Hemsley or Mr Brown in order to minimise the cost in terms of finances and time?

Mr Cummings responded that the concern that the Parish Council had related to changing the long established spatial strategy and settlement hierarchy to meet the opportunity for development that St Georges Barracks might bring and without considering the wider implications and other sites which could change the entire nature of the County. He stated that in the position of Mr Hemsley and Mr Brown he would take the coming pause, before the election, to review the Local Plan and identify ways in which the risk could be removed to ensure there could be no legal challenge.

- Mr Walters questioned how Mr Cummings recent questioning and disapproval of the Council's application for £30 million grant funding to support the infrastructure squared with his understanding of the pressures on the budget highlighted by his question today.

Mr Cummings responded that at that time the Parish Council was not saying the bid was inappropriate, but premature. That prematurity covered the Housing Infrastructure Fund bid and the Local Plan issues. The Local Plan needed to be resolved before starting a project which at moment sat outside the existing Local Plan framework.

638 QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no petitions, deputations or questions from Members of the Council.

639 REPORT FROM THE CABINET

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The Chairman reminded members of the mandatory requirement to record votes in relation to the Budget, setting Council Tax and issuing precepts.

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Report No. 49/2019 from the Cabinet was received to consider recommendations of the Cabinet referred to Council for determination and to note the Key Decisions made by Cabinet at its meetings held on 15 January 2019 and 19 February 2019.

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

- 1) Council **NOTED** the Key Decisions made by Cabinet since the publication of the agenda for the previous ordinary meeting of the Council on 21 January 2019, as detailed in Appendix A of Report No. 49/2019.
- 2) **15 January 2019**
Decision No. 498
Report No. 5/2019
TREASURY MANAGEMENT STRATEGY AND CAPITAL INVESTMENT STRATEGY 2019/20

During his introduction Mr Brown confirmed that both of the Strategy's had had only minor changes since last year, as set out in the report. They had also been through the Council's Scrutiny process and all member's queries had been answered. In terms of the Commercial Investment Policy, no investments had been made in line with the policy during the last 12 months and there were no plans or proposals under consideration at this time. Should any opportunities come forward they would require the approval of Council before they went ahead.

RESOLVED

To **APPROVE** the Treasury Management Strategy in Appendix 1 of Report No. 5/2019 including the Investment Strategy, Borrowing strategy, Minimum Revenue Provision statement and Capital Expenditure Prudential indicators.

To **APPROVE** the Capital Investment Strategy in Appendix 2 of Report No. 5/2019.

The above resolution was voted as follows:

FOR THE MOTION (17)

Mr Arnold, Mr Baines, Mr Bird, Mr Bool, Mr Brown, Ms Burkitt, Mr Foster, Mrs Fox, Mr Hemsley, Mr Lammie, Mr Lowe, Mr Oxley, Mr Parsons, Mrs Stephenson, Miss Waller, Mr Walters, Mr Wilby.

AGAINST THE MOTION (0)

ABSTAINING FROM THE MOTION (0)

3) **15 January 2019**
Decision No. 499
Report No. 6/2019
FEES AND CHARGES 2019/20

Mr Brown introduced the report noting that fees and charges were a significant source of income for the Council. Mr Brown described the approach to increases in fees as detailed in section 2.4 of the report. The report had been through the councils Scrutiny process. There had been some concern regarding the significant increase in burial fees for leasing a plot for 99 years. The cemetery had been losing significant sums of money in recent years, on average £30k per annum. The increase in fees is aimed at moving to a breakeven period over the next three years. There had also been some media interest in the introduction of a charge for licences for A-Boards. This charge would enable good street management, the safety of pedestrians and ability to ensure A- Boards were properly sited and of appropriate size, this is particularly important for disabled users and issues had been highlighted by Rutland Access Group. With regard to parking the Council was introducing a 30 minute tariff free period in order to support town centre shopping and the 20 pence transaction charge for use of RinGo was also being removed. References to “long stay” and “short stay” were also being removed.

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The Chairman adjourned the meeting at 19:22

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The Chairman re-adjourned the meeting at 19:25

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The Chief Executive reminded members that it was their decision to declare an interest in relation to owning businesses which had A-Boards outside.

At this point of the meeting Mrs Stephenson, Mr Baines and Mr Parsons declared a pecuniary interest in relation to the Fees and Charges recommendation.

Mr Oxley also declared an interest in relation to the Fees and Charges recommendation relating the burial fees.

In light of the particular circumstances while Councillors had declared a pecuniary interest they were not required to leave the room. No Councillor that declared a Pecuniary Interest voted on the matter.

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During debate of the recommendation points raised included:

- i. It was confirmed that the charge and effectiveness of the decision to charge for a licence for A-Boards would be reviewed annually;
- ii. Mr Oxley highlighted that traders in Uppingham also used pavements outside of shops for tables and chairs and for displaying goods and requested whether the licence covered display of merchandise. Mr Brown would provide an answer outside of the meeting;

- iii. Mr Oxley also requested clarification that the free period for parking would not require any payment, it was confirmed that this was the case, no payment would be required;
- iv. Mr Oxley noted that the fee for a 99 year lease of a cemetery plot in Oakham would be 10 times more expensive than in Uppingham and that Uppingham residents had raised concerns that more Rutland residents would now want to purchase plots in Uppingham. It was confirmed that Uppingham Town Council were responsible for the Uppingham Cemetery and they had indicated they would also consider their fees;
- v. Miss Waller requested further information be provided to members on cemeteries in the County and the responsible authority for each.

RESOLVED

- a) To **APPROVE** the level of fees and charges for 2019/20 as set out in Appendices 1-4 of Report No. 6/2019 with the exception of taxi and private hire vehicle licenses.
- b) To **NOTE** that taxi and private hire vehicle licenses fees will be subject to consultation through a public notice procedure and be brought back for approval following that consultation.

The above resolution was voted as follows:

FOR THE MOTION (14)

Mr Arnold, Mr Bird, Mr Bool, Mr Brown, Ms Burkitt, Mr Foster, Mrs Fox, Mr Hemsley, Mr Lammie, Mr Lowe, Miss Waller, Mr Walters, Mr Wilby.

AGAINST THE MOTION (0)

ABSTAINING FROM THE MOTION (4)

Mr Baines, Mr Oxley, Mr Parsons and Mrs Stephenson.

4) **19 February 2019** **Decision No. 603** **Report No. 44/2019** **REVENUE AND CAPITAL BUDGET 2019/20 AND MEDIUM TERM** **FINANCIAL PLAN**

Mr Brown introduced the report and noted again that the report had been through the Scrutiny process and Cabinet. Mr Brown provided a brief overview of the Budget highlighting that funding from Government was reducing and that had had an impact for the Council budget of a reduction of at least £4million. Looking forward to 2021 and beyond, the latest indication was that the figures for 2021 would not be received from Government until December 2019. As such, a prudent view of the situation had been taken to ensure the position did not become more difficult next year. Overall RCC spends less per household than other unitary authorities and also received less government funding than other equivalent unitary authorities. It was important to recognise that there was an inequality of funding. The new formula regime may improve this position, but this would not be known for some time.

Mr Brown also explained that this year there had been a consultation on the Budget which had been widely publicised to residents and the business community. There were a variety of responses as detailed in the report.

During debate of the recommendation points raised included:

- i. Mr Brown confirmed that there were no specific EU grants which would be lost as a result of Brexit. Brexit had been identified as a risk as detailed at Section 1.3, point 18 of the report. Central Government had allocated funding to RCC in order to assist with the impact of Brexit and further details on the conditions of the grant were awaited;
- ii. Miss Waller requested that in future the questions in the consultation were phrased in a more positive way which emphasises positive messages with regards to the councils spending and budget management;
- iii. Mr Baines highlighted the benefits of partnership with SPARSE Rural (Local Government Association partnership for local authorities delivering rural services) with regard to inequalities in Government funding;
- iv. Mr Baines also raised the matter of the level of precept for the Leicestershire Police and Crime Commissioner, his view was that the precept fees in this area did not deliver value for money. Mr Walters would provide a copy of the papers provided to the Police and Crime Panel which would provide further information in this respect.

RESOLVED

- a) To **APPROVE** the Revenue Budget for 2019/20 detailed in Appendix 1, section 3 of Report No. 44/2019;
- b) To **APPROVE** that the minimum level of general reserves remains at £2m;
- c) To **APPROVE** a Council Tax increase of 4.99% (of which 2% is for expenditure on adult social care);
- d) To **NOTE** the capital programme as detailed in Section 4 of Appendix 1 of Report No. 44/2019;
- e) To **NOTE** that additional revenue may be incurred in 2019/20 funded through 2018/19 underspends to be carried forward via earmarked reserves;
- f) To **APPROVE** a surplus of £75k on the Collection Fund as at 31 March 2019 of which £65k is the Rutland share.

The above resolution was voted as follows:

FOR THE MOTION (17)

Mr Arnold, Mr Baines, Mr Bird, Mr Bool, Mr Brown, Ms Burkitt, Mr Foster, Mrs Fox, Mr Hemsley, Mr Lammie, Mr Lowe, Mr Oxley, Mr Parsons, Mrs Stephenson, Miss Waller, Mr Walters, Mr Wilby.

AGAINST THE MOTION (0)

ABSTAINING FROM THE MOTION (0)

640 COUNCIL TAX

Report No. 22/2019 from the Strategic director for Resources was received to enable the Council to calculate and set the level of Council Tax for 2019/20 in accordance with legislative requirements.

The Leader, Mr Hemsley, moved the recommendations in the report. Mr Brown seconded the recommendations.

Mr Brown introduced the report and confirmed that work was being done with Sparse on the rural strategy, as there was concern regarding future funding. Representations had also be made to the Member of Parliament regarding the timing of announcements regarding future funding and the level of funding and also to the Local Government Association. It was a difficult decision to raise Council Tax to this level, but as described in the reports before Council, there was little choice in the circumstances.

RESOLVED

- a) To **APPROVE** the formal Council Tax resolution shown at Appendix A;
- b) To **NOTE** no changes to the Local Council Tax Support Scheme (LCTS) for 2019/20; and
- c) To **NOTE** no changes to the empty homes discounts and long term empty homes premium for 2019/20.

FOR THE MOTION (17)

Mr Arnold, Mr Baines, Mr Bird, Mr Bool, Mr Brown, Ms Burkitt, Mr Foster, Mrs Fox, Mr Hemsley, Mr Lammie, Mr Lowe, Mr Oxley, Mr Parsons, Mrs Stephenson, Miss Waller, Mr Walters, Mr Wilby.

AGAINST THE MOTION (0)

ABSTAINING FROM THE MOTION (0)

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The Chairman declared the meeting closed at 8.02 pm.

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