



Rutland County Council

Catmose Oakham Rutland LE15 6HP.
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Minutes of the **TWO HUNDRED AND EIGHTY SIXTH MEETING** of the **COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 20th January, 2020 at 7.00 pm

PRESENT:

| | |
|------------------|-----------------|
| Mr K Bool | Mr J Dale |
| Mr O Hemsley | Mr G Brown |
| Mrs L Stephenson | Mr A Walters |
| Mr D Wilby | Mr P Ainsley |
| Mr E Baines | Mr N Begy |
| Mr D Blanksby | Mr A Brown |
| Ms J Burrows | Mr R Coleman |
| Mr W Cross | Mrs J Fox |
| Mrs S Harvey | Miss M Jones |
| Mr A Lowe | Ms A MacCartney |
| Mr M Oxley | Mrs K Payne |
| Mrs R Powell | Mr I Razzell |
| Miss G Waller | Mrs S Webb |
| Mr N Woodley | |

OFFICERS

| | | |
|-----------------|---------------|------------------------------------|
| PRESENT: | Mrs H Briggs | Chief Executive |
| | Mrs J Morley | Governance Officer |
| | Mrs P Sharp | Deputy Director for Places |
| | Mr K Silcock | Governance Officer |
| | Mr S Turnbull | Lawyer (Peterborough City Council) |

447 APOLOGIES

No apologies were received.

448 CHAIRMAN'S ANNOUNCEMENTS

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

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Items 10 and 11 on the agenda would follow item 17 in order to give more time for debate on item 11.

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

The Leader noted what a pleasure it was to attend the Growth, Infrastructure and resources Scrutiny Committee on 16 January 2020 and that it was good to see Councillors asking questions regarding the Local Plan.

The Leader reminded Councillors that there was a Code of Conduct based on the Nolan Principles that members must abide to. It was noted that it was important to respect each other and the RCC staff.

450 DECLARATIONS OF INTEREST

No declarations of interest were received.

451 MINUTES OF PREVIOUS MEETING

The minutes of the 285th meeting of the Rutland County Council District Council held on 14 October 2019 were confirmed by the Council and signed by the Chairman.

452 PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC

Deputation 1

A deputation, as printed below, was received from Mrs Susannah Fish, on behalf of the Parish Council Liaison Group.

Good evening. I am Susannah Fish. I am a Wing Parish Councillor where I have been resident for over 10 years. I was a police officer for over 30 years retiring as Chief Constable of Nottinghamshire Police. I now run my own business.

Councillors, tonight you are considering the conditions around the HIF grant, in private. It is difficult to see at this stage when there is only one developer, the Ministry of Defence, what commercial considerations are in play. The fact that the report is in DRAFT, your capitals, is no reason for exemption at all, and is not the transparency in decision making that the communities of Rutland expect.

One must assume that the Cabinet either do not want any embarrassing facts in the public domain, or want to test properly, what must be a whole array of assumptions, or both. In the absence of information, I would ask the Council on the public's behalf, to ensure the following four salient points are debated.

- 1. The Leader has repeatedly assured residents that any development at SGB would be infrastructure led, and that no houses would be built until the infrastructure is in place. One assumes that timing will be covered in the grant conditions. Are they? Are the Leader's remarks borne out? For example, are road improvements, transport arrangements such as bus services agreed, medical, policing, and retail facilities in place. If not how long is it before critical mass is reached, how long do residents have to put up with living on an isolated building site with no infrastructure?*

2. *The main reason for accepting SGB but not Woolfox as an acceptable site is that neither were viable according to your own consultants, but the HIF grant of £29m tips SGB into viability. Viability is currently measured using high level assumptions to give strategic infrastructure costs per unit. What is in the public domain is the fact that £16m of the £29m of HIF funding is required to meet the toxic legacy costs of the MOD – in essence a tax-payers subsidy to the MOD, artificially supporting the land value to the MOD. This is not in line with either commercial values or usual property practice. The remaining £13m is therefore spread across the 2215 units. It does not reduce the cost per unit by that much, and certainly not sufficient to offset the margin of error in the assumptions used. Councillors should test why it is concluded that SGB is not viable without HIF, but viable with. What is the cost per unit reduction, and does this take the cost per unit significantly below Woolfox?*
3. *In view of the inadequate legal advice taken to date, who and what are the Council's lawyers advising on, for example, the Council's exposures in the grant conditions?*
4. *Perhaps most important of all, the Local Plan proposal to include significant development at SGB, will be vociferously opposed at the Local Plan Inspection in Public. It would be the biggest mistake that you ever make both personally and for Rutland to accept any grant conditions which tie the Council in any way before the conclusion of the examination in public.*

I urge you to challenge the naivety that has been shown thus far in dealings with the MOD and central Government, and to challenge the arrogance of the treatment of affected parties, or those seeking clarity of intention in making your decision tonight.

Questions by Members

Mr Walters asked regarding the comment of inadequate legal advice taken to date, was it expressed as a matter of fact or a point of opinion and what basis was the assertion made?

Mrs Fish replied that it was her opinion in the face of the lack of information that we have got and the lack of due process thus far.

Deputation 2

A deputation, as printed below, was received from Mr Peter Coe, on behalf of the residents of Edith Weston.

This deputation relates to the major uncertainty and risks of accepting the HIF grant funding before the Local Plan is proved to be 'sound' AND in terms of the Housing Infrastructure Fund there is 'still work to be done'.

The HIF may be welcomed as it indicates that Rutland is worthy of funding, but how can the Council vote to accept the HIF to enable St Georges Barracks to be developed before there is any agreement that our Local Plan, should proceed to the next stage of the review process.

It is also clear that there is still work to be done on the HIF terms of agreement as you are being asked to make an 'in principle' decision.

Do you, our Councillors, share the same belief and confidence as the Cabinet that there are no 'show stoppers'? Have the full details of the HIF conditions, risks and benefits really been fully addressed?

Alongside this it is clear that there is unquestionable concern about the overall content of the Local Plan, which, in its full form, has only very recently been made available to us.

We need you, our Councillors to pause, think carefully and NOT accept the 'in principle' decision until further thinking and collaboration has been conducted.

Just SOME of the KEY reasons why we say this:

- The Local Plan does not have the support of a significant number of residents, so why would the scale of development of St Georges Barracks be sound?*
- We think the risks and benefits of accepting HIF funding are not yet fully exposed or transparent*
- SGB will be a new town – presented at first as a local service centre, but in time will become larger than Uppingham.*
- Without A-road connectivity –this will majorly impact Ketton, Empingham, North Luffenham and Edith Weston. The assessment data used to inform the infrastructure requirements is inadequate, the impact of HGV movements have not been considered.*
- The Council are saying that Woolfox is not an option as evidence has not been produced. Have the same tests been applied to examine the Woolfox possibility.? The Council will be open to legal challenge if fairness has not been applied.*
- Acceptance of the HIF to unlock SGB must be right for our Local Plan.*

There are many many more, but, as a final note for you to consider, last week Uttlesford's draft local plan, which included Garden Villages, was kicked back by the planning inspector stating that 'fundamental aspects of the Draft Local Plan were unsound'.

Findings included:

- The approach predetermines the strategy long beyond the plan period and so is unduly inflexible;*
- The assessment of reasonable alternatives does not consider a smaller number of garden communities, in combination with more housing in existing sustainable settlements;*
- The lack of certainty about the delivery of employment uses undermines the potential for the Garden Communities to be sustainable places;*

Also, and very importantly, a key recommendation stated that:

*'We believe that the key decisions to be made on the future of the Garden Communities and the spatial strategy need to be taken by the Council, **in consultation with local residents**'*

We think this applies to RCC –

You have not sold the Local Plan to Local Residents – you do not have the support of a significant number of residents.

We need to build something we can be proud of.

There are too many uncertainties and assessments undertaken are inadequate.

More time is needed to gain public support and to re-think the HIF requirements and plan.

We strongly urge Councillors make the right decision and vote NO to accepting the HIF in principle recommendation. Thank you.

Questions by members

Mr Walters acknowledged that Uttlesford had been sent back to the Council by the inspector. Mr Walters questioned whether it was a realistic comparison to make. Uttlesford included 18,000 homes over three garden communities, not just one. The actual sites had not been particularly identified only generically, they had yet to have development plans assessed for them and put forward. One of the sites had an ancient monument that the inspector threw out on that basis. In fact there were 15 reasons why the inspector sent it back. Does the speaker think this is a realistic comparison to make with the project we are considering in Rutland when they appear to me to be so very different?

Mr Coe responded that they were obviously different sizes in relation to the developments, but there was the consideration of whether the assessments that have been done by Rutland to date are sufficient for the Local Plan to be held as sound, and we don't believe that's the case so it is an example of another Local Plan that was found to be unsound.

Mr G Brown noted a line in the deputation "We need to build something we can be proud of". Mr Brown asked what they think we should build at St George's and whether we should retain the Barracks as they are today and also explain why the parish councils have not engaged with the design and layout subgroup which we have invited them to be a part of which would design the layout of St George's for the future, the very engagement they were looking for?

Mr Coe stated the parishes had not joined the sub group as they believe the development is too vast and that there are other options that could have been assessed alongside it, not necessarily just on St George's Barracks but elsewhere as well.

Mr Begy asked what the implications of voting no would be.

Mr Coe responded that voting no would put the plans on hold, need to be further down the line with the Local Plan and assessing St George's with more detail prior to accepting of the principle funding.

Deputation 3

A deputation, as printed below, was received from Mr Malcolm Earnshaw, on behalf of the residents of Edith Weston.

Good evening, my name is Malcolm Earnshaw C.B.E. And i have lived in Rutland for 35 years.

My career experience has included senior marketing roles, presidency of the world federation of advertisers, a director of the advertising standards authority and chief executive of the incorporated society of British advertisers, representing their interests with government and media.

Rutland the brand

So you may be asking why I am suggesting Rutland is a brand, well brands are not just the Coke's, Persil's and Tesco's of this world. Charities, the BBC, even brand UK is referred to.

Rutland is a brand in its own right as it is distinguished by clear attributes, benefits, values and personality and even has its own tag line "Multum in Parvo", and it is advertised and promoted too with reference to its peaceful rolling countryside, 50ish timeless stone villages, characterful market towns, great schools and hotels, shops, pubs, restaurants, cafes and so many activities to meet most interests and needs. Tourism is an important part of Rutland's economy and all that Rutland water offers the jewel in the crown. For those of us who live here the benefits are clear from the quality of life reinforced by strong local communities and a fresh and green environment.

Rutland has a very well developed brand essence and strength, but of course all brands to stay strong must evolve and grow but how this is accomplished is key to future success.

From my experience there are many, many ways to successfully evolve and develop a brand, but there is one vital aspect that is fundamental to the brands future strength and success and that is that innovation and change must add positively to brand value not detract from it. A statement of the obvious you might say but there are plenty of examples reported on weekly to prove the point.

You all as Rutland's elected council are the custodians of brand Rutland for the duration of your stewardship. I am sure we all share a common purpose to do what is right for Rutland.

It is very relevant that even the new proposed Rutland corporate plan states, and i quote "to cherish and sustain the characteristics that makes Rutland special", the first of those characteristics being that Rutland is rural and sparsely populated.

The current adopted “development plan” incorporating the local plan, spatial strategy and core strategies are serving brand Rutland well and could continue to facilitate the positive evolution of brand Rutland being soundly based and well tested.

In my experience successful brand evolution works from the bottom up, based on an in depth understanding of consumer (in this case citizen) needs and wants. There has been no proven need within Rutland for the scale of the proposals for the SGB site which are inconsistent with the essence of brand Rutland.

Reflecting this bottom up approach and following the provisions of the localism act (2012) which encourages local citizens to be a proactive part of determining their neighbourhood, Edith Weston produced and has adopted a neighbourhood plan which is currently in law part of the adopted Rutland “development plan”. Although not applying to the part of the SGB site “within the wire” it does cover a significant part of the SGB site outside the wire and where development is proposed. No account to date appears to have been taken of this.

Since the signing of the MOU between the mod and RCC, the SGB project has been driven “top down” by external needs and timetable. It is arguable that the extensive preplanning work undertaken by RCC/MOD and their agents in advance of consultation and adoption of a revised local plan and strategies is premature as the development proposed is so substantial, or its cumulative effect so significant, that such activities amounting to pre-planning consent risk undermining the plan making process by predetermining decisions about the scale, location and/or phasing of new developments that are central to the emerging plan.

From my experience brand development driven top down and by external factors usually detract rather than add to the brand in question.

Ladies and gentlemen, by voting tonight to accept the HIF grant you will be unlocking the massive urbanisation of that large part of the county to the immediate south and east of Rutland water, with its impact on adjacent villages, country lanes and minor roads. The elevated site of the former North Luffenham air base will ensure the result will also be visible for miles around and detracting from the essence, character and appeal of brand Rutland.

I trust you will consider very carefully if this is what you believe will be right for Rutland, and whether this is the legacy you wish for your years of stewardship of brand Rutland.

Thank you.

Questions from members

Mr Walters asked would the Rutland brand be best protected by being proactive, working with the MOD, bringing infrastructure in at an early stage, having an influence on the number of houses and on the way that the development progresses. Or would

our brand be better protected by walking away and potentially the MOD sticking 4000 more houses on the site.

Mr Earnshaw responded that it was a huge extrapolation to suggest the MOD would put 4000 houses there, assuming there was commercial demand for that on the site. Mr Coe believed along with the nine other local parishes and 95% of the 1500 objections that the whole approach has been the wrong way round and rather than rushing to sign the memorandum of understanding with the Ministry of Defence, if time was taken to fully understand and evaluate what the needs of Rutland were and how that is best served, with the Ministry of Defence.

Mr Begy asked what the feedback was from the 18 parishes that are not affected by St George's and would be the green fields that would be developed on because the housing need has to be met in the green field sites of those villages.

Mr Earnshaw responded that he was not a member of a parish council and therefore have not gone round looking for the opinion of parish councils of Rutland but there have been nine that have expressed the view. Certainly living in Rutland have heard many conversations about the extreme concern and disquiet that there is county wide on the proposal and not seen any evidence in the form of a county wide referendum that would be an overall majority of residents in the county in favour of the particular approach.

453 QUESTIONS FROM MEMBERS OF THE COUNCIL

454 REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL

No Committee decisions had been referred.

455 CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 11 OCTOBER 2019 TO 17 JANUARY 2020 (INCLUSIVE)

No call-ins were received.

456 REPORTS FROM COMMITTEES OF THE COUNCIL

Report No. 18/2020 was received from the Deputy Director for Places.

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

During debate the following point was noted:

Miss Waller asked what happens about providing licenses to individual young people in terms of their permissions to perform in establishments, there were rules governing that but Miss Waller had not seen an update on policies for some time. A young person has to have approval from the Council if going to perform in any premises as a performer such as in a local pub. Mrs Briggs stated a written response would be provided after the meeting.

RESOLVED

That Council:

ADOPTED the post consultation revised Statement of Licensing Policy as recommended by the Planning and Licensing Committee.

457 REPORTS FROM SCRUTINY COMMISSION / SCRUTINY PANELS

No reports had been received.

458 JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

Mr Bool – Combined Fire Authority

Mr Bool noted there was recently a successful visit to the Oakham Fire Station before Christmas which members found to be beneficial. The General Election caused meetings of the Authority to be rescheduled.

Mr Oxley – Rutland's Fairtrade Status

Mr Oxley stated as Fairtrade Champion that Rutland's Fairtrade status had been renewed and the certificate was presented at Oakham Castle. Mr Oxley stated it would be good to have it mentioned on the Council's website with a link to the Fairtrade website.

Mr Baines – Welland Partnership Sub-Group

Mr Baines attended a sub-group of the Welland Partnership, preparing a bid to ensure the Welland Valley is enjoyed by the community, if the bid is successful it would result in the appointment of a project officer.

Mr G Brown – Hanson Cement Liaison Group Meeting

Mr Brown stated that he and Mrs Webb attended the Hanson Cement Liaison Group meeting at the end of last year and met the new site manager who had a range of experience and was keen to develop the environmental credentials of the works. There were plans to spend further capital on site and the completion of Empingham road. Hanson Cement is the largest business rate payer in Rutland.

459 NOTICES OF MOTION

No notices of motion had been received.

460 CORPORATE PLAN 2019-2024

Report No. 14/2020 was received from the Chief Executive.

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

During debate the following points were noted:

- i. Mrs Powell felt that some of the objectives were reflecting business as usual and did not feel that Scrutiny had the fullest ability to contribute to the development of the Corporate Plan.
- ii. Mr Hemsley noted that amendments had been made to the Corporate Plan had been made following feedback.
- iii. Miss Waller stated there had been no resident engagement in the Plan. The Plan made reference to creating more jobs, however Rutland had virtually full employment. The Plan stated that there was 40% out migration for work, however there was no analysis why that might be. The Council had committed to be carbon neutral by 2050 but there was little in document as to how to approach the task.
- iv. Mr Walters stated the need to increase good employment within Rutland.
- v. Mr G Brown noted that a Biodiversity Task and Finish Group had been setup to look into the zero carbon target by 2050.

RESOLVED

That Council:

NOTED the contents of the revised Corporate Plan and **ADOPTED** the Rutland County Council Corporate Plan 2019-2024.

461 REVIEW OF NOMINATIONS TO OUTSIDE BODIES

Report No. 20/2020 was received from the Strategic Director for Resources.

Mr Hemsley introduced and moved the recommendation in the report. Miss Waller seconded the recommendation.

RESOLVED

That Council:

APPOINTED a named substitute member to the outside body – Leicester, Leicestershire and Rutland Joint Health Scrutiny Committee.

462 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the Council meeting would remain in public session unless debate took place on the exempt information.

463 REPORT FROM THE CABINET

Report No. 19/2020 was received from the Cabinet.

Mr G 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 meeting of the Council on 14 October 2019.

2) **15 October 2019**
Decision No. 326
Report No. 152/2019
Council Tax – Empty Homes Premium

During debate the following points were noted:

- i. The properties which relate to the Ministry of Defence (MOD) are owned by Allington and leased back to the MOD. MOD properties pay a contribution from the MOD in lieu of Council Tax. There are voids in rented housing. Allington will have voids and the MOD within that. Mr Cross noted that private landholders should not be penalised when the Government have properties unoccupied.
- ii. The contribution made by the MOD is based on a national recognised formula.

RESOLVED

Council **APPROVED**:

- a) That the premium for long term empty homes be set as follows with effect from 1st April 2020:
 - 100% for properties that have been empty for more than two years
 - 200% for properties that have been empty for more than five years; and
 - From 2021/22 onwards, 300% for properties that have been empty for at least ten years
- b) That the Strategic Director for Resources be given authority to waive the premium if the empty home was actively and genuinely being marketed for sale or rent or being renovated for occupation in accordance with the procedure in Appendix B of Report No. 152/2019.

3) **19 November 2019**
Decision No. 381
Report No. 170/2019
Quarter 2 Financial Management Report

Mr G Brown introduced and moved the recommendations. Mrs Fox seconded the recommendations.

During debate the following point was noted:

Mr Oxley noted that the half hour free parking in towns made an impact and was successful, and encouraged it to continue.

RESOLVED

That Council **APPROVED** to remove two projects from the capital programme: Officers Mess and OEP Phase 2.

4) **23 December 2019**
Decision No. 396
Report No. 185/2019
Housing Infrastructure Fund Bid Update

Mr G Brown introduced and moved the recommendations with the amendment that the decision be brought back for Cabinet to make, with an opportunity for Scrutiny to look at the report prior to the decision being made.

During debate the following points were noted:

- i. The viability of the project without the HIF bid would require rework of the project and a new master plan, but would unlikely stop the project.
- ii. The Local Plan process would continue on its current basis even if the HIF bid was not accepted.
- iii. Members suggested that the decision should be made by Council rather than Cabinet and that Council should have all the information of the terms and conditions from Homes England so the Council could make a decision with all the facts and figures.
- iv. Ms MacCartney proposed an amendment to defer the debate until there was sufficient information for the Council to make judgement.

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The Chairman adjourned the meeting at 21:03 and reconvened at 21:12

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- v. Ms MacCartney withdrew her amendment
- vi. Mr G Brown proposed an amendment to his original proposal so that the HIF Bid would go back to Cabinet once more details on the terms and conditions had been received from Homes England. The decision would then come back to Council with a full debate following a recommendation from Cabinet.

RESOLVED

That Council **APPROVED** for the decision to be deferred until final details of the terms and conditions could be confirmed.

464 ANY URGENT BUSINESS

No matters of urgent business were received.

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The Chairman declared the meeting closed at 9.27 pm.

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