



# Rutland County Council

Catmose Oakham Rutland LE15 6HP.  
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## **RECORD OF DECISION AT A MEETING OF THE CABINET**

**Friday, 31st July, 2020 at 10.00 am**

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**Decisions published on 31<sup>st</sup> July 2020**

**Decisions will be implemented on 10<sup>th</sup> August 2020 unless the Call-in Procedure as outlined in Procedure Rule 206 is invoked.**

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**PRESENT:**

Mr O Hemsley  
Mrs L Stephenson  
Mr D Wilby

Mr G Brown  
Mr A Walters

**OFFICERS  
PRESENT:**

Mrs H Briggs  
Mr M Andrews  
  
Mrs P Sharp  
Ms D Godfrey  
Mr J Morely  
Mr P Horsfield  
Mrs E Powley  
Mr K Silcock

Chief Executive  
Strategic Director for People & Deputy  
Chief Executive Strategic  
Strategic Director for Places  
Deputy Director - Children's Services  
Deputy Director –Adult Service  
Monitoring Officer  
Governance Manager  
Governance Officer

### **34 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **35 ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE**

The Head of Paid service announced that the Council had recently been awarded Gold Standards Authority, the highest possible Defence Employer Recognition Scheme (ERS) award for its work to support the Armed Forces Community. The Officers involved were thanked for their work in achieving the Gold Award and the elected member, appointed as the armed Forces Champion Councillor Razzell, who had taken over from Councillor Foster.

The Leader echoed the thanks given by the Head of Paid Service to all those who had been involved in the achievement and recognised the continued work and engagement with the Armed Forces.

### **36 DECLARATIONS OF INTEREST**

Councillor Stephenson declared a personal, non-pecuniary interest in Item 10 – ‘Secondary School Sufficiency’ as one of her children would be attending Catmose School from August 2020.

Councillor Hemsley declared a personal, non-pecuniary interest in Item 10 – ‘Secondary School Sufficiency’ as one of his children was an attendee of Catmose School.

### **37 RECORD OF DECISIONS**

The Record of Decisions made at the meeting of the Cabinet held on 16<sup>th</sup> June 2020 were confirmed as a true record.

### **38 ITEMS RAISED BY SCRUTINY**

There were no items raised by Scrutiny.

### **39 COVID 19 UPDATE & APPROACH TO CONTINUED USE OF EMERGENCY POWERS - UPDATE**

Councillor Hemsley as the Leader of the Council and relevant Cabinet Member elaborated on the report and noted that the decision log would be shared with all members and that the number of decisions taken under the emergency powers were significantly fewer than at the beginning of the Covid crisis.

#### **RESOLVED:**

That the continued use of the Civil Emergency Delegation be noted.

*Reason: It was agreed by Cabinet to review the emergency powers at Cabinet meeting to ensure that the powers are still required. The emergency response remains in effect and the situation remains uncertain. Should circumstances become more challenging in the near future, there is a need for the emergency powers to be in place to allow for continued decision making under the Council's Scheme of Delegation*

### **40 COMMUNITY INFRASTRUCTURE LEVY**

Councillor G Brown, as the relevant Cabinet Member, elaborated on the report and explained that the title of the report should also include ‘Section 106 (S106) – Developer contributions’. It was explained that when the Community Infrastructure Levy (CIL) had been created in 2016, there had been no specific delegation provided in the CIL policy and therefore one of the recommendations, if agreed, would rectify that as outlined in Appendix 1. Councillor Brown commented that the Council wished to publish the public statement of Exceptional Circumstances Relief and explained that the Exceptional Circumstances Relief Policy (at Appendix 2 of the report) would provide a mechanism to ensure growth but was subject to exceptional circumstances.

Referring to section 3.4.3 (c) of the report, Councillor Brown explained that the following amendment be made that the Charging Authority it is satisfied that to grant relief would not constitute State Aid which would be required to be notified to and approved by the European Commission and would include the following wording; ‘or any other successor to UK Legislation effective after the 31<sup>st</sup> December 2020’.

It was reported that due to Covid, it had been considered prudent to implement and instalment policy for S106 to assist small and medium developers for any un-commenced developments.

It was noted that Councillor Walters had joined the meeting at 10.11am but having not been present for the debate, he would not be voting on the recommendations.

## RESOLVED:

- 1.1 That the Strategic Director of Places in consultation with the Deputy Director Corporate Governance be able to make decisions in specific matters and cases relating to the application, administration, amendment, financial review and enforcement of the Community Infrastructure Levy Charging Schedule and Scheme as set out in Appendix 1 of this report, pursuant to the Community Infrastructure Levy Regulations 2010 (as amended) and adopted by the Council on 1st March 2016;
- 1.2 That the Strategic Director of Place in consultation with the Section 151 Officer and Deputy Director Corporate Governance, and the Portfolio Holders for Planning and Resources be able to make decisions relating to temporary amendments to the Council's CIL instalment policy in response to the Covid-19 situation;
- 1.3 That the Strategic Director of Places in consultation with the Portfolio Holder for Planning be able to make decisions in specific matters and cases relating to the application, administration, amendment, and review of outstanding Section 106 agreements as set out in paragraph 3.11 of this report, where this affects the provision of community facilities consultation will also be with the relevant ward Member;
- 1.4 That the Strategic Director of Place in consultation with the Section 151 Officer and Deputy Director Corporate Governance, and the Portfolio Holders for Planning and Resources be able to make decisions relating to the expenditure of Section 106 monies up to a value of £500,000 to deliver infrastructure and community facilities in accordance with the provisions of each individual obligation;
- 1.5 To the publication of a public statement that Exceptional Circumstances Relief would become available in the area of the Council;
- 1.6 To the Exceptional Circumstances Relief Policy as set out at Appendix 2 and to take all appropriate steps to ensure that the Policy becomes applicable to the adopted Community Infrastructure Levy ("CIL") in the area of the Council.

*Reason: Officers consider that it is important for delegations to be provided that will allow for the day to day management of both the CIL and Section 106 regimes. Officers are of the opinion that it would also be prudent to apply the exceptional circumstances relief in the area of the Council. This may provide a solution in limited circumstances where the exceptional circumstances of a development which involves additional Section 106 obligations is not viable*

## **41 TRANSPORT INFRASTRUCTURE INVESTMENT FUND PROGRAMME 2020/21**

Councillor Stephenson, as the relevant Cabinet Member notified members that they had received additional funds and the report outlined how the Council were intending to spend the funds. It would address complete works which they would not have been able to do from existing capital maintenance budgets. Appendix A provided a breakdown of broad headings and Appendix B provided a more detailed breakdown of individual schemes.

In response to questions asked, Councillor Stephenson explained that the revenue budget report provided more detailed information on drainage and that work was being carried out by Tarmac to address specific areas that had previously been affected by spring water and land drainage issues.

Councillor Hemsley proposed an additional recommendation be included in the report to 'Delegate to Director of Places in consultation with Portfolio Holder for Culture and Leisure, Highways & Transportation & Road Safety and Portfolio Holder for Resources the authority to

*re-prioritise the planned programme of highways schemes if necessary up to a threshold of 20% of total programme value'. Councillor Stephenson explained that this would allow for some flexibility and latitude and noted that she believed it to be a prudent move.*

**RESOLVED:**

- 1) That the additional Pothole and Challenge Funding received of £1,295,000 be used for carriageway works and added to the Highways Capital Maintenance Programme originally approved in April 2020 be approved.
- 2) That the total value of the revised Highways Capital Maintenance Programme was now £3,252,000 be noted.
- 3) That authority be delegated to Director of Places in consultation with Portfolio Holder for Culture and Leisure, Highways & Transportation & Road Safety and Portfolio Holder for Resources to re-prioritise the planned programme of highways schemes if necessary up to a threshold of 20% of total programme value'

*Reason: It is recommended to approve the allocation of the Pothole and Challenge Fund funding for the future maintenance of the carriageway assets using a risk based approach. Additionally to reshape the whole highways maintenance capital programme to provide significant investment in carriageways, much needed investment in footways and highways drainage. Approval will allow the Council to fulfil its statutory duties with regard to highway maintenance and road safety.*

## **42 REVISION OF THE COUNCIL'S HOUSING ALLOCATIONS**

Councillor Walters, as the relevant Cabinet Member informed Cabinet that this was a light touch review of the Housing Allocations policy. Comments had been received from a number of Councillors and Councillor Walters explained that the allocation of 250 points to domestic abuse victims was appropriate. He explained that all aspects of domestic abuse are taken extremely seriously by the Council and noted that they were dealt with by the Police and a Multi - Agency Review would be carried out which would involve finding alternative housing.

In response to further questions asked, Councillor Walters explained that Applicant Salary derived from incremental increases as the original figure had been set in 2011. As part of the consultation, comments on the appropriateness of the salary would be welcomed.

Councillor Walters further reported that should there be any significant issues raised through the consultation process, a report would be brought back for Cabinet approval to finalise the policy.

**RESOLVED:**

That the revised Council's Housing Allocation Policy at Appendix B of the report be approved for consultation.

That the Acting Strategic Director - Places in consultation with the Cabinet Portfolio Holder for Environment, Planning, Property, and Finance and the Cabinet Portfolio Holder for Safeguarding – Adults, Public Health, Health Commissioning & Community Safety be authorised to assess any comments made and to finalise the policy

*Reason: The revised Housing Allocation Policy will complement the Council's implementation of the Homelessness Reduction Act. It will help to deliver the vision of the Housing and Homelessness Strategy 2017-22 which is, "fair access to suitable and sustainable housing for everyone in Rutland, particularly those whose needs are not readily met through the open market.*

#### **43 SECONDARY SCHOOL SUFFICIENCY**

Councillor Wilby as the relevant Cabinet Member explained that the report sought Cabinet's approval to undertake Stage Two of the feasibility study. It was noted that Rutland were running out of secondary school places and Stage one of the feasibility study had identified Catmose as the preferred option. Phase 2 of the study was anticipated to be completed by the end of September 2020 and a development design by the end of November 2020, the costs of which had been agreed at Cabinet in February 2020.

In response to questions asked by Cabinet, Councillor Wilby noted that the reason for Catmose being the preferred option was due to the college having been well developed, the building was well looked after with sound management. Any investment would be beneficial to the County. He further confirmed that any assistance that could be offered to the other two schools in applying for additional funds would be offered and supported by the Council.

The Leader commented that the Council would support all improvements to education in the County.

#### **RESOLVED:**

That the recommendation to undertake Stage Two of the feasibility study for school expansion at the preferred site of Catmose College, Oakham to deliver additional places through the development of an 8 Form Entry secondary school as identified through Stage One of the study be approved.

*Reason: Initial findings from Stage One of the feasibility study identify Catmose College as the favoured site for Phase 2 Study because of the current conditions of the existing modern new-build school and this would consolidate the investment that has already been made in recent extensions on the site, with fewer potential planning constraints than at the other two sites.*

*The site is centrally located within the County which is reflected in the majority of admissions for this school being from Rutland families and would therefore more readily address Rutland's pupil place sufficiency need.*

*It is therefore requested that Cabinet approves the recommendation to undertake Stage Two of the feasibility study for school expansion at the preferred site of Catmose College, Oakham to deliver additional places through the development of an 8 Form Entry secondary school as identified through Stage One of the study. The Phase 2 study is anticipated to be concluded by end of September with the developed design completed by the end of November 2020.*

#### **44 DISPOSAL OF UPPINGHAM TOWN CENTRE PUBLIC CONVENIENCES**

Councillor G Brown, as the relevant Cabinet Member, elaborated on his report and explained that Cabinet were seeking approval to transfer the freehold of Uppingham Town Centre Public Conveniences to Uppingham Town Council, currently operated and maintained by the Council. Uppingham Town Council would be permitted to have an ATM installed in part of the property and Barclays would be making a £15,000 contribution to the works as well as funding the costs of installing and servicing the ATM.

#### **RESOLVED:**

That the principle of the transfer of the Councils freehold interest in Uppingham Town Centre Public Conveniences to Uppingham Town Council be approved.

That the allocation of the sum of £ 26,800 of S106 monies towards the works for the scheme be approved

That legal costs associated with the transaction be funded through the legal budget be agreed.

That the Director for Places, in consultation with the Cabinet Member with portfolio for Planning, Environment, Property and Finance be authorised to agree the final terms, including the precise area of land, generally in line with the Heads of Terms.

*Reason: The recommendations set out in this report will enable the Council to dispose of the property whilst ensuring that it is refurbished and continues to provide modern enhanced facilities for the benefit of all town centre users.*

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**The Chairman declared the meeting closed at 10.49am.**

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