



Rutland County Council

Catmose Oakham Rutland LE15 6HP.
Telephone 01572 722577 Facsimile 01572 75307

RECORD OF DECISION AT A MEETING OF THE CABINET

Tuesday, 17th November, 2020 at 10.00 am

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Decisions published on 23rd November 2020

Decisions will be implemented on 1st December 2020 unless the Call-in Procedure as outlined in Procedure Rule 206 is invoked.

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PRESENT: Mr O Hemsley Mr G Brown
Mrs L Stephenson Mr A Walters
Mr D Wilby

OFFICERS PRESENT: Mr M Andrews Interim Chief Executive
Mrs P Sharp Strategic Director for Places
Mrs D Godfrey Strategic Director for Children's Services
Mr S Della Rocca Strategic Director for Resources
Mr J Morley Strategic Director for Adult Service
Mr P Horsfield Monitoring Officer
Mrs E Powley Governance Manager

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE

The Leader announced that Councillor Stephenson was now the Climate Change Champion. As she was Portfolio Holder for Culture and Leisure, Environment, Highways, Transportation & Road Safety it seemed appropriate that this be included in the remit of her portfolio.

3 DECLARATIONS OF INTEREST

Councillor Stephenson declared a personal interest as a bookshop owner in Uppingham.

4 RECORD OF DECISIONS

The minutes of the meeting held on the 27th October 2020 were agreed as a true record.

5 ITEMS RAISED BY SCRUTINY

There were no items raised by Scrutiny.

6 HOUSING INFRASTRUCTURE FUNDING UPDATE

Councillor G Brown gave a verbal update and explained that there was ongoing work being undertaken with regards to the Housing Infrastructure Funding bid and noted that the allocation agreement and the tripartite agreement was still being revised. It was noted that there was extensive work being done in order to get the legal documents ready for completion as soon as possible.

7 COVID- EMERGENCY POWERS

The Leader elaborated on the report and explained that the current Covid situation meant that there was a real need to prevent the NHS from becoming overwhelmed.

The Interim Chief Executive explained that currently up until the 6th November 2020 the figures for Rutland's infection rates were 128 per 100,000 of the population which was a slight reduction on the previous week. Since the announcement of the second lockdown, there had been additional work needed including the business grant funding having been launched and preparation work for the exiting of lockdown was being undertaken. It was noted that under the urgency provisions only 3 decisions had been made and Councillor Hemsley, with the support of Cabinet, asked that the Chief Executive use his emergency powers to approve the free parking for up to 2 hours across the County for December. The Leader explained that other group leaders had been consulted on this matter and were supportive of the proposal.

In response to questions asked, it was reported that the police had issued fines to people not complying with lockdown rules. Increased cases in some areas could be attributed to a whole family being infected and that some settings had been affected more, which was in part due to the population density. It was noted that there were bed pressures at both Peterborough Hospital and the University Hospital of Leicester had very little capacity.

RESOLVED:

- a) That the present position in Rutland in respect of COVID 19 be noted
- b) That the continued applicability of the Civil Emergency Delegation be noted

Additional Recommendation:

- c) That the Interim Chief Executive use his urgency powers to approve the making of 2 hours of free parking applicable in both Oakham and Uppingham over the Christmas period.

8 DRAFT DESIGN GUIDE - SUPPLEMENTARY PLANNING DOCUMENT

Councillor G Brown, as the relevant Cabinet Member, elaborated on the report and noted that Cabinet is requested to consider and approve the draft Design Guide for the purposes of public consultation. He reported the Design Guide was commissioned

jointly by South Kesteven District Council and Rutland County Council and stated that Rutland would be adopting their own Rutland specific document.

Cabinet Members agreed that a Rutland-centric document was necessary and a customised version of the document would be welcomed and supported.

Councillor G Brown explained that design illustrations would change and would be appropriate for Rutland; the general structure of the document would remain the same but would be a Rutland document.

RESOLVED:

That the Draft Design Guide Supplementary Planning Document, as set out in Appendix 1 of the report, be approved for public consultation.

9 BIDS FOR GARDEN VILLAGE CAPACITY AND CULTURE RECOVERY FUNDS

The Bids for Garden Village Capacity and Culture Recovery Funds report was a joint report of Councillor G Brown and Councillor Stephenson crossing both of their portfolios.

Councillor G Brown as the Portfolio Holder for Planning and Finance explained that applications for a Garden Village had been submitted as part of the housing delivery programme. It was explained that there would be a mixture of homes, some of which would be affordable with job opportunities and community infrastructure. On the 24th July 2020 Homes England announced additional funding for garden cities and a bid had been submitted for £560,000 which would be assessed by Homes England. It was noted that Cabinet would have the opportunity to review future bids.

Councillor Stephenson as the Portfolio Holder for Culture and Leisure, Environment, Highways, Transportation & Road Safety explained that Cabinet were being asked to approve the acceptance of a grant offer from Arts Council England. She explained that Covid had significantly impacted on both the Museum and the Castle having had to close and the grant would support lost revenue. The grant would also assist future plans to support work on sustainable operation for future years with approximately 40-50% of the grant being spent on that. Councillor Stephenson explained that within the report were a number conditions and a commitment to promoting equality and diversity and noted the environmental commitment to zero carbon by 2050.

The Leader and Deputy Leaders expressed their thanks to the Director of Places for her hard work in achieving the grant.

RESOLVED:

That it be noted that an application had been submitted for £563,000 from the Garden Communities Capacity Funding programme for 2020/201. Should the funding bid prove successful Cabinet approval would be sought to accept any grant offer.

That the acceptance of the offer of a grant of £132,100, and the standard terms and conditions specified, from the Culture Recovery Fund administered by Arts Council England to support the Council's heritage services, be approved.

10 MID YEAR REPORT ON TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS 2020/21

Councillor G Brown as the relevant Cabinet Member elaborated on the report and explained that little had changed since the previous review, carried out on a half yearly basis. It was reported that the Council had invested with institutions as determined by the creditworthiness criteria approved by the Section 151 Officer

Since investments were made, there had been a change to the credit rating of one institution where the Council invested £1m, the situation of which was being regularly monitored. No Commercial Investments had been made in the first 6 months as no suitable opportunities for investment arose; and it was unlikely that this would change over the next few months.

In response to a question from Councillor Walters, it was reported that there had been no commercial investments made in the previous 6 months. This demonstrated a sensible approach as it had recently become apparent that other Councils had made unsound investments especially in retail.

RESOLVED:

That the contents of the report and Appendices A to C be noted.

11 PERFORMANCE UPDATE 2020/21

The Leader elaborated on the report and explained that the Council developed a new Corporate Plan in 19/20. The Corporate Plan was due to be refreshed for 20/21 however this work was deferred as the pandemic started and became the Council's key priority. It was noted that the intention was for the Corporate Plan to be refreshed in Quarter 4 following work on the Council's vision. Alongside a refresh of the Corporate Plan, the Council was reviewing its corporate and service performance framework. One of the short term priorities would be to revisit corporate priorities and define a revised set of performance measures that would indicate whether objectives were being achieved.

Councillor Walters commented that the Council should be proud of the position they were currently in and questioned whether some of the targets set were unrealistic.

Councillor Wilby commented that sometime data did not always indicate the hard work going on behind the scenes and expressed his pride and gratitude to the Children's Services Team.

Councillor G Brown referred to the affordable home target and noted that subject to planning approval, the total application for affordable homes delivered over next 3 years' subject to market conditions would be close to the set target.

Councillor Stephenson stated that officers had, where possible, delivered business as usual as well as working through pandemic, and reported that Rutland had a very encouraging future. She requested that as a resident of Rutland, the Chief Executive pass on her thanks to every officer in the organisation.

The Leader stated that the Council were currently doing well in performance and noted that they would not be complacent in recognising that there were areas for improvement.

RESOLVED:

That the overall position in relation to performance so far during 2020/21 and the actions being taken to address areas of underperformance be noted.

12 QUARTER 2 - FINANCE UPDATE

Councillor G Brown, as the relevant Cabinet Member elaborated on the report and thanked the Director of Resources, the Finance Manager and the rest of the team for their hard work producing the report in addition to the pressures they faced. He noted that there were business grants being processed and distributed.

It was noted that the forecast for year-end was similar that of Quarter 1. However, despite additional Government funding meeting some extra costs due to pandemic, concerns remained about funding in 2021/2022 and beyond. As reported at Quarter 1, the estimates depended critically on the length of time that the pandemic continued, the interventions put in place by the Government and the speed of subsequent economic recovery amongst other factors.

Councillor G Brown reported that the Medium Term Financial Plan (MTFP) was regularly updated to take account of key issues including government announcements, changes to assumptions etc. At Quarter 1, it was reported that a detailed review of all assumptions had been undertaken. As part of budget preparations the MTFP would shortly be reviewed.

The Director of Finance stated that the figures had changed frequently with the announcement of the second lockdown. He noted that staff resource and resilience was a concern and some limited resource were being brought in to support the additional workload and would be met from existing budgets.

Councillor Wilby commented that the Country was suffering the financial consequences of Covid. He thanked the Director for Resources and the Finance Team and further expressed his gratitude to Councillor G Brown for his dedication and diligence.

Councillor Walters congratulated the Director of Resources and the Senior Management Team and noted the unfortunate position other Councils were in. With regards to the Government funding for lost income and additional cost he questioned whether this would cover costs it in their entirety.

In response, it was explained that Government funding had been received to cover costs but only time will tell whether this would be sufficient. The way the Government allocated the money was based on formula and whilst the funding has gone a long way to cover some costs it was unlikely to cover them all.

RESOLVED:

That the projected revenue outturn for 20/21 be noted and the uncertainty that remains;

That the financial impact of COVID-19 on the Council's finances and the risks that remain be noted.

13 COMMUNITY INFRASTRUCTURE LEVY REVIEW

Councillor G Brown introduced the report and explained that the information had gone to the Audit and Risk Committee to allow for consideration prior Statement of Accounts being signed off. He explained that the purpose of the Community Infrastructure Levy (CIL) was to raise funds from developers who were undertaking new building projects, to help pay for infrastructure. It was noted that CIL had replaced Section 106 planning obligations for many forms of infrastructure, although Section 106 agreements could still be used for site-specific mitigation measures and for affordable housing provision.

Rutland County Council adopted the Community Infrastructure in 2016 but did not at the time, set up a robust process for managing it. It was noted that the first full-time CIL Officer left the Council in 2017, and until last year the management and administration of CIL was undertaken by temporary interim agency support with periods when the post was not covered. This situation had been resolved with a full-time permanent member of staff in post. However, Councillor G Brown explained that prior to the appointment there had been 5 Directors of Places and the churn of staff during this period had been very significant. Information had not passed between individuals and a number of CIL cases had not been followed up. It became apparent this year what had happened and a team had been put in place to review this. As part of the review the internal auditors (LGSS) were also asked to assist in the review of the CIL and S106 management process.

The review undertaken concluded that some CIL (totalling £150,425.26 with the potential of a further £31,000) to which the Council may have been entitled was no longer recoverable.

It was explained that legislation requires that a proportion of CIL funds arising from CIL liable development be passed on to Parish or Town Councils. As part of discussions Councillor G Brown proposed that officers be asked to find a way in which payments could be made to Parish Council's, as Parish Council's would have received a sum of money had RCC collected it.

Councillor Stephenson commented that she was reassured and noted the work of officers ensuring that gaps were narrowed to prevent this from happening again in the future.

In response to questions asked, the Interim Chief Executive explained that the Council would be doing a stock take on current services to assess whether operating procedures were in place.

RESOLVED:

That the ongoing work to review the management and administration of the Community Infrastructure Levy be noted.

That following detailed investigation and receipt of independent legal advice that no further action is taken regarding any potential Community Infrastructure Levy liability with respect to the 8 applications identified in Appendix 1 to this report be approved.

That the Council 'write off' £150,425.26 potential income associated with the 8 applications identified in Appendix 1 be agreed.

That authority be delegated to Strategic Director – Places in consultation with the Section 151 Officer and Portfolio Holder for Resources to approve a further 'write off', if necessary, of up to £31,000 to conclude outstanding historic CIL liability cases.

Additional recommendation:

That it be agreed to recommend to Council that payments be made to Parish Councils for the CIL money that they would have received but for the issues described in the Report

14 EMPINGHAM SURGERY EXPANSION

Councillor Walters as the relevant Cabinet Member elaborated on the report and noted that back in August 2019 Empingham Medical Practice submitted a business case to the CCG seeking approval for funding of a Portakabin which would provide three additional consulting rooms. The current Covid-19 pandemic further highlighted that the size and layout of the practice building meant they were unable to accommodate patients safely therefore making the case for the expansion urgent. The Council agreed to fund the initial financial ask of £72,502 to cover the cost and set up of the Portakabin under Emergency powers. Once this was agreed and signed off, a final quote for the structure was received by the Practice which came out more than the initial estimate. Assurance was given that the money would not be spent on any other project and any future shortfalls would be met by the CCG and not the Council.

Councillor Stephenson stated that Empingham needed the support and noted that there was some concern about car parking in the local area.

Councillor G Brown commented that he was satisfied with the financial implications and that there was clarity that the CCG would be responsible for any future overrunning costs.

RESOLVED:

That the additional award of £31,220 from identified S106 and CIL monies to the East Leicestershire and Rutland CCG (CCG) for the purchase of a health service appropriate Portakabin be approved, thereby enabling an increase in patient capacity to the surgery and ensuring continued COVID infection control.

15 PRIORITISED PROGRAMME FOR SPENDING OF COMMUTED SUMS FOR AFFORDABLE HOUSING

Councillor G Brown as the relevant Cabinet Member elaborated on the report and commented that he did not consider it necessary to go into private session as the information contained in appendix would not be discussed. He noted that Cabinet had in May 2020 approved a report that set out the bidding arrangements for approximately £930,000 held by the Council, which had been collected from developers for the

provision of off-site affordable housing. Bids were subsequently received from two housing associations for a total of four new build sites. The Council made an internal bid for the purchase of empty properties in Edith Weston. One rural scheme was contrary to planning policy and was much too large to meet local need and was therefore discounted immediately.

He recommended that Cabinet proceed, subject to negotiations and planning consent, that the following are funded; Longhurst (formerly Spire) in Uppingham and Oakham

It was reported that the other site in Oakham for an additional 40 units the Council was not in position to move forward but recommendation was to allow officers to continue to negotiate with developers to optimise opportunities coming forward.

Councillor Walters commented that having discussed the earlier report highlighting shortage of Affordable Homes it was positive to see this being progressed.

RESOLVED:

That the principle of using affordable housing commuted sums towards the site of the former Brooke Road allotments in Oakham shown in Appendix A of the report, be approved subject to a further report to the Cabinet once further information is available.

16 ANY ITEMS OF URGENT BUSINESS

There were no urgent items.

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The Chairman declared the meeting closed at 11.37am.

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