



Rutland County Council

Catmose Oakham Rutland LE15 6HP.

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Minutes of the TWO HUNDRED AND THIRTY SEVENTH **MEETING of the COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 28th February, 2022 at 7.00 pm

PRESENT:

Councillor J Dale (Chairman)
Councillor P Ainsley
Councillor D Blanksby
Councillor A Brown
Councillor P Browne
Councillor J Fox
Councillor O Hemsley
Councillor A MacCartney
Councillor K Payne
Councillor L Stephenson
Councillor A Walters
Councillor D Wilby

Councillor N Begy (Vice-Chairman)
Councillor E Baines
Councillor K Bool
Councillor G Brown
Councillor J Burrows
Councillor S Harvey
Councillor M Jones
Councillor M Oxley
Councillor R Powell
Councillor L Toseland
Councillor G Waller

**OFFICERS
PRESENT:**

Mark Andrews
Saverio Della Rocca
Marie Rosenthal
Tom Delaney
David Ebbage

Chief Executive
Strategic Director for Resources
Monitoring Officer
Governance Manager
Governance Officer

1 APOLOGIES

Apologies were received from Councillors W Cross, I Razzell and S Webb.

2 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members about the rededication of the memorial taking place on 11th April that year. The invitation had been sent by the Vicar of Oakham and the Chairman of the Oakham British Legion.

3 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.

4 DECLARATIONS OF INTEREST

Councillor L Stephenson and E Baines declared a personal interest in Item 7 – Fees and Charges 2022-23 as being joint owners of an A-Board subject to a fee.

Councillor S Harvey declared a personal interest in Item 7 – Fees and Charges 2022-23 as a blue badge holder subject to a fee.

5 PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no petitions, deputations and questions from members of the public.

6 QUESTIONS FROM MEMBERS OF THE COUNCIL

Councillor R Powell presented her question as set out in the agenda supplement.

The Chairman invited Councillor O Hemsley to respond as Councillor Razzell had given apologies to the meeting, which was as follows:

“Deadlines for spending development contributions only applies to Section 106 money and based on the public infrastructure funding statement and provision within the S106 agreements and maintenance sums, the total of not committed S106 monies is at March 2021 £2.726m.

There is no deadline for spending of CIL (Community Infrastructure Levy) or the Oakham North contribution which sit outside both CIL and 106 regimes. We have an internal review process in place involving planning, finance and the Director of Places to review on an annual basis the amount of money we hold from 106, identifying what the money is for and what the deadlines for spend are.

Once this base information has been identified, service managers and directors are asked to identify schemes to spend within the year, which then form part of the Councils capital programme if approved. There is a focus on looking at an agreement 18 months prior to an expiry date to ensure contributions are committed and spent by due dates.”

Councillor Hemsley also committed to the circulation of a briefing note on the matter alongside the minutes which would assist with any further questions.

Councillor R Powell thanked Councillor O Hemsley for his response and agreed with the points raised, Councillor Powell had no supplementary.

7 REPORT FROM THE CABINET

Report No. 46/2022 was received from the Cabinet. Councillor K Payne introduced the report which requested that Council approved Cabinet recommendations from the Portfolio Holder for Finance, Governance and Performance, Change and Transformation following Cabinet meetings on 18th January 2022 and 15th February 2022:

Report No. 03/2022 – Fees and Charges 2022/23

Councillor K Payne presented the recommendations of Report No. 03/2022 and highlighted that the Council received approximately £4m from fees and charges each year and they had been reviewed on an annual basis as part of the budget council tax setting process. The report summarised the proposed changes for 2022/23 with the new fees and charges for this year.

It was noted that changes excluded taxi and private hire vehicles which would be subject to consultation through public notice procedure and be bought back for approval following consultation.

A concern was raised around the new proposed parking charges and how the one hour car park rate was cheaper if a customer paid via mobile phone. Councillor L Stephenson undertook to find out the answer to the query raised and write to Members outside of the meeting.

Several concerns were raised by Members around the additional costs of ordering a green bin over the telephone and whether in particular the charge should be levied for a second green bin. Councillor L Stephenson observed that this had been in place since July 2021 and the overall aim of Rutland was to try to reduce the amount of waste within the County.

It was moved by Councillor K Payne that Council approved the recommendations of Report No. 03/2022. This was seconded and upon being put to the vote, with 19 votes in favour, 1 against and 3 abstentions, the motion was carried.

RESOLVED:

That Council:

- 1) **APPROVED** the level of fees and charges for 2022/23 as set out in Appendices 1-4 except for taxi and private hire vehicle licenses.
- 2) **APPROVED** new fees for:
 - Learning Disability Day Centre Places (para 3.5)
 - Highways Vehicle Access Permits (para 4.5), and s278 agreement minimum fee (para 4.3),
 - Parking of solo motorcycles, Blue Badge over 3 hours, permits for residents in zone A and U3A permits for visitors of residents in zones C, E & V, and permits for carers (paras 4.17 and 4.20),
 - Coach Parking at Kilburn Road (para 4.18),
 - New parking services delivery, collection and photocopying of permits/season tickets, (para 4.21)
 - Installation of Advisory Blue Badge bays on street (para 4.22),
 - S106 monitoring fees (para 4.23) and exceptional review of Community Infrastructure Levy (para 4.24),
 - Museum and Castle full day hire and exclusive hire of the Castle for ceremonies (paras 4.10 and 4.11)

- Registrars diary amendments and bookings (para 4.13).
- 3) **NOTED** that taxi and private hire vehicle licenses fees will be subject to change based on the outcome of forthcoming consultation through a public notice procedure and be brought back for approval following that consultation.

Report No. 02/2022 – Treasury Management Strategy and Capital Investment Strategy

Councillor K Payne presented the recommendations of Report No. 02/2022 and highlighted that the Treasury Management Policy was about setting the Councils approach to investment and borrowing in the context of the capital expenditure plan. In light of some irresponsible capital expenditure plans by a number of other local authorities, the whole area was under significant scrutiny at the moment and CIPFA (Chartered Institute of Public Finance and Accountancy) had been consulting on a number of changes, many of which wouldn't affect the Council directly. These changes would not come in until 2023/24 but the Council were adopting these.

The report also set out that the Council acknowledged the desire to make green investments and that over the next 12 months the Council would work with other local authorities to see how practice might involve to invest in green technologies in the future but security of investment would always override the rate of return.

The recommendations of Report No. 02/2022 were seconded and upon being put to the vote, the motion was unanimously carried.

RESOLVED:

That Council:

- 1) **APPROVED** the Treasury Management Strategy in Appendix 1 of the report including the Investment Strategy, Borrowing strategy, Minimum Revenue Provision statement and Capital Expenditure Prudential indicators.
- 2) **APPROVED** the Capital Investment Strategy in Appendix 2 of the report.

Report No. 09/2022 – Revenue and Capital Budget 2022/23

Councillor K Payne presented the recommendations of Report No. 09/2022 and highlighted that the Council was setting a budget of £42.345m with a proposed council tax increase of 4.99% including 3% for the Adult Social Care precept. There was a forecast deficit in the following financial year 2023/24 of over £2m in the medium term financial plan, and the report set out the intended steps to address this.

From the consultation the following points were taken from the public events:

- Councillors needed to involve residents more in decision making and to hear more from them on key issues whilst keeping them informed and engaged on all Council matters.
- It was important to work with the local MP to lobby for better funding for Rutland County Council as it receives much less Government funding compared to other Unitary Councils leading to residents paying higher council tax.

With regards to council tax, the Council would also pay £150 to all households in Bands A-D in April as announced by Central Government in a recent scheme.

A suggestion was made that an FAQ section could be added onto the Council's website to help the public with answers around the Council's financial affairs. Councillor Hemsley agreed with the suggestion and gave assurance this would be looked into.

The recommendations of Report No. 09/2022 were proposed by Councillor K Payne and seconded. A recorded vote was required and the voting was as follows:

There voted in favour:

Councillors P Ainsley, E Baines, N Begy, K Bool, A Brown, G Brown, P Browne, J Burrows, J Dale, J Fox, S Harvey, O Hemsley, M Jones, A MacCartney, M Oxley, K Payne, R Powell, L Stephenson, G Waller and D Wilby.

There voted against:

Councillors D Blanksby, L Toseland and A Walters

The vote being 20 in favour and 3 against, the motion was therefore carried.

That Council:

RESOLVED:

- 1) **APPROVED** the General Fund Budget for 2022/23 of £42.345m (Section 11)
- 2) **APPROVED** an increase in Council Tax of 4.99% including 3% for the Adult Social Care precept resulting in a Band D charge of £1,917.36 (Section 10)
- 3) **APPROVED** use of the remaining Government hardship fund to provide further council tax discounts to the most vulnerable residents (10.2.2)
- 4) **DELEGATED** authority to the Strategic Director for Resources in consultation with the Portfolio Holder with responsibility for Finance to administer the Council Tax energy rebate scheme using new burdens funding as appropriate.
- 5) **DELEGATED** authority to the Strategic Director for Resources and Strategic Director for Adult Services and Health to use any new burdens funding for adult social care charging reforms as required to enable the Council to meet the October 2023 target dates.
- 6) **DELEGATED** authority for the Chief Executive or Strategic Director for Resources in consultation with the Portfolio Holder with responsibility for Finance to continue discussions with cost reduction consultants and spend up to £100k on a viable project (8.3.7)
- 7) **APPROVED** additions/deletions to the capital programme as per 12.1.2
- 8) **APPROVED** changes to earmarked reserves as per 9.2.3
- 9) **NOTED** that additional revenue or capital expenditure may be incurred in 2022/23 funded through 2021/22 budget under spends to be carried forward via

earmarked reserves. The use of reserves for budget carry forwards is not currently shown in the budget but will have no impact on the General Fund

10) **APPROVED** the estimated surplus of £186k on the Collection Fund as at 31 March 2022 (Section 10.3) of which £159k is the Rutland share

11) **NOTED** the responses to consultation (Section 15)

12) **NOTED** the position on the Dedicated Schools Grant budget (Section 14)

DELEGATED authority to the s151 Officer to make any necessary changes to the budget arising from the Council tax decision and/or any additional funding received.

8 COUNCIL TAX 2022/23

Report No. 40/2022 was presented by Councillor K Payne, who highlighted the proposed council tax increase of 4.99%, 3% for Adult Social Care precept. There were no proposed changes to empty homes discount, long term empty homes premium or the local council tax support scheme for 2022/23.

The recommendations of Report No. 40/2022 were proposed by Councillor K Payne and seconded. A recorded vote was required and the voting was as follows:

There voted in favour:

Councillors P Ainsley, E Baines, N Begy, K Bool, A Brown, G Brown, P Browne, J Burrows, J Dale, J Fox, S Harvey, O Hemsley, M Jones, A MacCartney, M Oxley, K Payne, R Powell, L Stephenson, G Waller and D Wilby.

There voted against:

Councillors D Blanksby, L Toseland and A Walters.

The vote being 20 in favour and 3 against, the motion was carried.

RESOLVED

That Council:

- 1) **APPROVED** the formal Council Tax resolution shown at Appendix A including a 4.99% Council tax increase for Rutland County Council;
- 2) **NOTED** no changes to the Local Council Tax Support Scheme (LCTS) for 2022/23;
- 3) **NOTED** no changes to the empty homes discount from 2022/23;
- 4) **NOTED** no changes to the long-term empty homes premium from 2022/23.

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The Chairman declared the meeting closed at 7.56 pm.

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Developer Contributions

Briefing Note for Elected Members

February 2022

1. Community Infrastructure Levy

- 1.1 The purpose of the Community Infrastructure Levy (CIL) is to raise funds from developers who are undertaking new building projects, to help pay for infrastructure that is needed to support new development as set out under the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended).
- 1.2 It is a charge which can be levied by local authorities on new development in their area. It is an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area.
- 1.3 The levy only applies in areas where a local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website.
- 1.4 The CIL Charging Schedule covers some types of developments of 100 sqm or over or a new dwelling of any size; e.g. large supermarkets, B8- storage and distribution, large retail warehouses and residential. Any other development is generally assessed as not CIL liable.
- 1.5 Some developments may be eligible for relief or exemption from the levy. This includes residential annexes and extensions, and houses and flats which are built by 'self-builders'. There are strict criteria that must be met, and procedures that must be followed, to obtain the relief or exemption.
- 1.6 The CIL regime in the County of Rutland was adopted by the Council on 1st March 2016. Full details of the scheme can be found on the Council's website: <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/community-infrastructure-levy-cil/>
- 1.7 CIL funding by the County Council is restricted in its use and, under Regulation 59 (1) and (3) of the Community Infrastructure Levy Regulations 2010 (as amended), CIL must be applied by the Charging Authority to: fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area; or support the provision, improvement, replacement, operation or maintenance of infrastructure outside its area where to do so would support the development of its area.
- 1.8 Under Regulation 59C of the Community Infrastructure Levy Regulations 2010 (as amended) the County Council must pass 15% cent of the relevant CIL receipts to the parish/town council for that area; this is limited by Regulation 59A (7) to a cap of £100 (with indexation) per dwelling in the area of a Local Council. Those parishes benefiting from an adopted neighbourhood plan are entitled to a 25% proportion that is currently uncapped. This is often known as the "neighbourhood portion" of CIL funding. There are separate arrangements in place for non-parished areas.
- 1.9 The neighbourhood portion must be spent on: the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area.
- 1.10 The Council is able to use 5% of CIL income towards the management and administration of CIL.
- 1.11 The remaining funding is available for the Council to use in line with paragraph 1.7 and is often known as the "strategic portion" of CIL funding. There is no time limit for the Council to spend CIL receipts collected.

1.12 In the absence of the Local Plan, work is currently underway to assess what CIL-liable development may occur over the next 4-5 years pending the adoption of a new Local Plan, the timing of that development, the CIL receipts that could potentially be generated by that development and the potential impact of that development on existing infrastructure. This information will support decision making on how the Council can then determine any priorities for CIL expenditure pending the adoption of the Local Plan.

1.13 The proposed prioritisation process for determining CIL expenditure is set out in the Infrastructure Funding Statement (IFS) approved by Cabinet in December 2021 – see section 4 below.

2. Advice to Town Councils regarding CIL

2.1 A key element of the Community Infrastructure Levy is that a proportion of the money secured for development is passed on to the relevant Town or Parish Council where that development has taken place. To assist Town and Parish Councils, a short guide to this has been prepared, which is available to download below. This outlines further information such as:

- Roles and responsibilities;
- What proportion of CIL will be passed on;
- How it can be spent;
- What reporting requirements are placed on Town and Parish Councils.

2.2 This is published on the Council's website here: <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/the-local-plan/community-infrastructure-levy-cil/guidance-for-parish-and-town-councils/>

3. Section 106 Agreements

3.1 Prior to the introduction of CIL, the Council sought developer contributions via planning obligations which are legal agreements made under Section 106 of the Town and Country Planning Act 1990 (as amended by Section 12(1) of the Planning and Compensation Act 1991), normally in association with planning permissions for new development.

3.2 These usually relate to an aspect of development which cannot be controlled through the imposition of a planning condition or by other statutory controls. They can serve various purposes including: restricting the use of land; requiring specific operations to be carried out, in, on, under or over the land; requiring land to be used in a specific way; and requiring a sum or sums to be paid to the Local Planning Authority on a specified date or dates, or periodically.

3.3 Section 106 Agreements are still used in Rutland alongside CIL for some new developments where legal agreements are required for site specific mitigation matters and for the provision of affordable housing.

3.4 The Community Infrastructure Levy Regulations 2010 (as amended) set out the requirements that planning obligations must fulfill. Planning obligations can only be used: to make development acceptable in planning terms; where they are directly related to the development; and are fairly and reasonable related in scale and kind to the development.

3.5 Depending on the terms and clauses of the legal agreement, there may be expiry dates for the expenditure of S106 monies received by the Council.

3.6 There is an internal Officer review process in place involving planning, finance, and the Director of Places to review, on an annual basis, the money we hold from S106, identifying what the money is for and what the deadlines for spend are. Once this base information has been identified service managers and directors are asked to identify schemes for spend within the year – this then forms part of the Council’s capital programme. There is a focus on looking at agreements 18months prior to any expiry dates to ensure contributions are committed and spent by due dates.

4. Infrastructure Funding Statement

4.1 The Infrastructure Funding Statement (IFS) is an annual report required to be published on the Council’s website by December 31st each year, to provide a summary of the financial and non-financial developer contributions relating to Section 106 Legal Agreements and the Community Infrastructure Levy within Rutland County Council for a given financial year. In addition, this also includes information relating to highway works completed as part of new developments through Section 278 agreements (S278). The first IFS for Rutland was published in December 2020.

4.2 The IFS for 2020/21 was approved by Cabinet in December 2021 and can be found here: <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/the-local-plan/infrastructure-funding-statement/>

4.3 Whilst Cabinet have delegated this decision to the Director of Places, for this year it was decided to seek Cabinet approval following the decision made by Council in September to withdraw the submitted Local Plan.