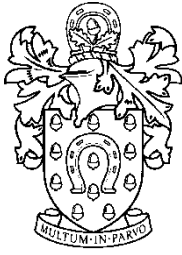


## Public Document Pack



# Rutland County Council

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Minutes of the **MEETING of the COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 21st March, 2022 at 7.00 pm

**PRESENT:**

Councillor J Dale (Chairman)	Councillor N Begy (Vice-Chairman)
Councillor P Ainsley	Councillor E Baines
Councillor D Blanksby	Councillor K Bool
Councillor A Brown	Councillor G Brown
Councillor P Browne	Councillor J Burrows
Councillor W Cross	Councillor J Fox
Councillor S Harvey	Councillor O Hemsley
Councillor A MacCartney	Councillor M Oxley
Councillor R Powell	Councillor I Razzell
Councillor L Stephenson	Councillor L Toseland
Councillor A Walters	Councillor G Waller
Councillor S Webb	Councillor R Wilson

**APOLOGIES:** Councillor K Payne Councillor D Wilby

**OFFICERS**

Mark Andrews	Chief Executive
Penny Sharp	Strategic Director for Places
Marie Rosenthal	Monitoring Officer
Tom Delaney	Governance Manager
Jane Narey	Scrutiny Officer

### 1. **APOLOGIES**

Apologies for absence were received from Councillors K Payne and D Wilby.

### 2. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised that he had attended the swearing in of the newly appointed justices and that Friday, 1<sup>st</sup> April marked exactly 25 years since Rutland regained its independent status, having been a district of Leicestershire from 1974 until 1997.

### 3. **ANNOUNCEMENTS FROM THE LEADER, MEMBERS OF THE CABINET OR THE HEAD OF PAID SERVICE**

Councillor L Stephenson, Deputy Leader and Portfolio Holder for communities, Environment and Climate Change, informed Members that following concerns over the quantity of recyclable waste put into general waste that a new sticker had been sent to residents setting out details on exactly what items could be recycled or otherwise.

#### **4. DECLARATIONS OF INTEREST**

There were no pecuniary or non-pecuniary interests declared.

#### **5. MINUTES OF PREVIOUS MEETINGS**

Consideration was given to the minutes of the meeting held on the 24 January 2022 and the 28 February 2022.

Councillor K Bool requested clarification regarding the date for the rededication of the memorial as stated in the minutes of the 28<sup>th</sup> February 2022. It was confirmed that the date was incorrect and that the minutes would be amended to read the 10<sup>th</sup> April 2022.

#### **RESOLVED**

That the minutes of the Council meetings held on the 24 January and the 28 February 2022 be **APPROVED**.

#### **6. PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

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

#### **7. QUESTIONS FROM MEMBERS OF THE COUNCIL**

Councillor W Cross presented his question as set out in the agenda supplement.

The Chairman invited the Leader of the Council to respond and the full details of the response are appended to the minutes.

Councillor Cross asked a supplementary question regarding the inclusion of the 650 houses at Quarry Farm in Rutland's 5-year housing supply. Councillor Hemsley confirmed that the numbers would be included in Rutland's 5-year housing supply if the proposed development at Quarry Farm went ahead, subject to a solution being agreed with South Kesteven District Council given the current site allocation in their Local Plan.

#### **8. REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL**

There were no referrals of committee decisions to the Council.

#### **9. CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 24 JANUARY 2022 TO 21 MARCH 2022 (INCLUSIVE)**

There were no call-ins of decisions from Cabinet meetings.

#### **10. REPORT FROM THE CABINET**

Report No. 57/2022 was received from the Cabinet presenting recommendations to Council for approval.

Councillor O Hemsley, Leader of the Council, presented the recommendations of Report No. 53/2022 relating to the Future Rutland Vision and moved that Council

approved the recommendations. This was seconded and upon being put to the vote, with 23 votes in favour and 1 against, the motion was carried.

## **RESOLVED**

That Council:

- 1) **ENDORSED** the Future Rutland Vision as a shared vision for the County as shaped by the community.
- 2) **ADOPTED** the Future Rutland Vision as a key document which underpinned the Corporate Plan and future Council strategies and approaches.

Councillor I Razzell then presented the recommendations from Cabinet to Council from Report No. 36/2022 regarding the Bus Service Improvement Plan and the Rutland Enhanced Partnership. It was stated that future funding was still unknown but that the aim was still to provide the best 'value for money' services to Rutland residents.

Councillor Walters requested an update on the criteria needed for people to access the community transport offered by Voluntary Action Rutland' (VAR), how the service was managing its service with an ageing volunteer base and was the hopper service being moved to Oakham Town Council or stopping the service and how was the communication regarding this paper to be given to the public.

Councillor Razzell confirmed that Voluntary Action Rutland (VAR) would be included in future deliberations regarding public transportation and that conversations with Oakham Town Council were still ongoing regarding the Hopper service. He stated that communication with the public needed to confirm that the Council was still waiting for notification regarding future funding so was currently unable to make any decisions regarding future transportation.

A vote was taken and with twenty-three votes in favour and one against, the motion was carried.

## **RESOLVED**

That Council:

- 1) **APPROVED** the Rutland Enhanced Partnership (EP) Plan and Enhanced Partnership Scheme.
- 2) **DELEGATED** authority to the Strategic Director for Places, in consultation with the Portfolio Holder for Planning, Highways and Transport to approve any subsequent amendments to the EP Plan and EP Scheme.

## **11. REPORTS FROM COMMITTEES OF THE COUNCIL**

There were no reports from the committees.

## **12. REPORTS FROM SCRUTINY COMMISSION / SCRUTINY COMMITTEES**

A report was received from Councillor J Fox, Chair of the Growth, Infrastructure and Resources Scrutiny Committee setting out the outcomes of the meeting held on 10 February 2022.

## **RESOLVED**

That Council **NOTE** the report.

### **13. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

Councillor G Waller briefed Members regarding the meeting of the LLR Joint Health Scrutiny Committee held on the 15<sup>th</sup> February 2022, which she and Councillor R Powell attended. Items on the agenda included the 'Step Up to Great Mental Health' programme, the follow-up inspection from the CQC on the Leicestershire NHS Partnership Trust and a request to review the Integrated Care Board constitution.

Councillor Waller then briefed Members on the recent meeting of the Carlton Hays Mental Health Trust which included a number of applications for funding but received very few from Rutland. Financial support was available to mental health charities in Rutland. Further details could be found on their website: [www.carltonhayes.co.uk](http://www.carltonhayes.co.uk)

Councillor Waller briefed Members on the meeting of the East Midlands Regional Employers' Board held on the 16<sup>th</sup> March 2021 where modern apprenticeships and staff training were discussed.

Councillor Waller briefed Members on the meeting of the East Midlands Scrutiny Network held on the 11<sup>th</sup> March which discussed ways of engaging the public with Scrutiny Committees. All non-executive members were welcome to attend the next meeting on the 24<sup>th</sup> June 2022, which would discuss ways of scrutinising budgets.

Councillor R Powell updated attendees on the Standing Advisory Council on Religious Education (SACRE), which was a statutory meeting to promote the education of religious education in schools. A new religious syllabus would be introduced in 2023 and be more focused on 'world views' rather than specific religions.

Councillor A Brown briefed attendees on the recent meeting of the Local Government Association which discussed personal safety for which details are appended to the minutes.

### **14. NOTICES OF MOTION**

The Notice of Motion set out in the agenda was moved by Councillor O Hemsley and jointly seconded by the opposition Group Leaders, Councillors M Oxley and G Waller.

Councillor Hemsley stated that he shared members concerns regarding the level of screening and support for those residents who offered to house Ukrainian refugees and was still awaiting full, clear guidance from central government.

Several Members suggested possible amendments to the motion in order to facilitate the flying of the Ukrainian flag beyond the stated period of one month.

**The Chairman adjourned the meeting at 7.53 p.m. for 5 minutes to allow for an amendment to the motion to be discussed by the Leader and opposition Group Leaders**  
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Upon being put to the vote, with 23 votes in favour the amended motion was unanimously carried.

## **RESOLVED**

That Council:

- 1) Condemned the unprovoked Russian invasion of Ukraine and stand in solidarity with the people of Ukraine and their families and friends, including those local to Rutland.
- 2) Stood ready to provide support for those displaced and affected by this War
- 3) Would work with and support the efforts of our local community to provide help and comfort to those in need.
- 4) Would fly the Ukrainian Flag for a period of at least one month with authority delegated to the Leader in consultation with the Chief Executive and Group Leaders to review and consider the flying of the Ukrainian flag beyond this point.

## **15. MEMBERS ALLOWANCE SCHEME 2021/22 AND 2022/23**

Report No. 58/2022 was presented by Councillor O Hemsley, Leader of the Council, regarding the Member Allowances Scheme for 2021/2022 and 2022/23, Councillor O Hemsley moved the recommendations of the report and these were seconded.

Councillor Waller proposed an amendment to the motion and the details were distributed to attendees. The amendment amended recommendations so that Council resolved to implement no increase in allowances for either 2021-22 or 2022-23 in recognition of the financial difficulties being faced by many Rutland residents. The amendment was seconded and several Members spoke in support.

Councillor Hemsley and the seconder Councillor A Brown both accepted the amended motion.

Councillor N Begy suggested that if no increase was implemented then the money saved could be used as a 'hardship fund' for those Members who would experience financial difficulties due to the freeze in Member Allowances.

Councillor S Harvey spoke against the amended motion on the grounds that for some Members their Allowances were their only income and the lack of increase would incur hardship on those Members.

Councillors P Ainsley and E Baines stated that any Member could decline to accept any increase in payments from the Member Allowances scheme via renunciation, so in their view the amended motion was not required.

A recorded vote was requested on the amended motion by Councillor A Walters and with four other Members in favour a recorded vote was held with voting as follows.

There voted in favour:

Councillors Begy, Blanksby, Bool, A Brown, P Browne, Burrows, Cross, Dale, MacCartney, Stephenson, Toseland, Waller, Walters, Wilson.

There voted against:

Councillors Ainsley, Baines, G Brown, Fox, Harvey, Powell, Webb.

Abstentions:

Councillors Hemsley, Oxley, Razzell

With fourteen votes in favour, seven against and three abstentions, the motion as amended was carried.

## **RESOLVED**

### **That Council:**

- 1) **NOTES** that the current Member Allowances scheme allows for annual increases in line with the NJC pay award for officers but **RESOLVES** to implement no increases in allowances for either 2021-22 or 2022-23 in recognition of the financial difficulties facing many of our residents.
- 2) **APPROVES** the Members Allowance Scheme for 2021/22 as shown at Appendix A.
- 3) **APPROVES** the Members Allowances Scheme for 2022/3 as shown at Appendix A.
- 4) **NOTES** the intention to engage the Welland Partnership Remuneration Panel to undertake a review of Member's Allowances in time to report to Council by March 2023.

## **16. PAY POLICY 2022/23**

Report No. 35/2022 was received from Councillor O Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy and Partnerships, Economy and Infrastructure, regarding the Pay Policy for 2022-2023.

The recommendations of the report were proposed by Councillor Hemsley and seconded. Upon being put to the vote, the motion was unanimously carried.

## **RESOLVED**

### **That Council:**

- 1) **APPROVED** the 2022-2023 annual Pay Policy at Appendix A of the report.

2) **NOTED** the updated position regarding the Local Government Pay Award.

**17. ANY URGENT BUSINESS**

There was no urgent business for consideration.

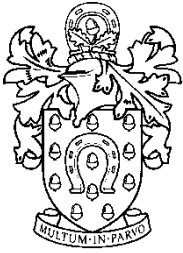
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**The Chairman declared the meeting closed at 8.30 pm.**

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**MEETING: COUNCIL**

**MEETING DATE: 21 MARCH 2022**

**ITEM 7: QUESTIONS FROM MEMBERS OF THE COUNCIL**

No.	Name of Member	Question Addressed to:
1	Councillor William Cross	Councillor Oliver Hemsley, Leader of the Council

**DETAILS**

With reference to the outline planning application received for the proposed development at Quarry Farm and the agreement to gift the 650 house allocation to South Kesteven District Council (SKDC), I would therefore like to ask:

- a) Does the Leader acknowledge he and certain others entered into an agreement to gift the 650 house allocation to SKDC without the full and open knowledge being shared with and agreed by all Rutland County Councillors at the time of said agreement?
- b) Could a full and open briefing be given on the current state of the reclaiming of the 650 allocation from SKDC and also the advice provided to date by our legal advisor/s.
- c) What are Rutland’s legal responsibilities should SKDC or any other partner not fulfil any part of their responsibilities under this proposed joint development?

**RESPONSE**

Response to Question a)

There is no signed agreement or memorandum of understanding in place with South Kesteven District Council regarding any development within Rutland as part of a comprehensive sustainable urban extension to Stamford counting towards South Kesteven’s housing needs.

The most recent decision made by the County Council with regard to the proposed 650 dwellings at Quarry Farm counting towards South Kesteven’s housing needs was taken by full Council in February 2020 in approving the Local Plan for its statutory consultation and subsequent submission. All members were fully involved in the February 2020 Council resolution which was taken following a comprehensive scrutiny investigation.

That decision was overtaken by the subsequent decision of full Council in September 2021 to withdraw the Local Plan. All elected members were briefed on the Quarry Farm site prior to both decisions being made at each Full Council meeting.

All elected members were brief on the Quarry Farm site prior to both decisions being made at each full Council Meeting.

### Response to Question b)

There is currently no further update to the answer given to Councillor Cross in December. The County Council is awaiting a response from South Kesteven District Council.

Counsel was asked to advise in August 2021 on the implications for the Quarry Farm development in the event that the Council resolved to withdraw the Local Plan.

Counsel confirmed that:

- a) 'The withdrawal of the Local Plan will lead to a far from straightforward situation in respect of Quarry Farm. It will impact on the housing land supply in year 6 for South Kesteven and the long-term prospects of North Stamford being completed as currently planned for in SKDC's Local Plan having been supported by the South Kesteven Local Plan Inspector.'
- b) 'Any appeal against a refusal of an application to develop Quarry Farm in the absence of the Review Rutland Local Plan would be determined in accordance with the existing development plan save where any other material considerations indicate otherwise. The proposal would be in conflict with the existing development plan and could not rely upon the emerging Review Rutland Local Plan if it has been withdrawn. However, they could rely upon Rutland's previous support for the development under its duty to co-operate, its contribution to meeting housing needs (whether in Rutland or South Kesteven) and its key role for the long term development of the Stamford North development as set out in the SKDC Local Plan and supported by the Local Plan Inspector who relied upon Rutland's support for the proposals.'
- c) 'The particular circumstance whereby a 'commitment' by one Council to another under the statutory duty to co-operate is not adhered to is very unusual – it is not one that I have come across before and we cannot be certain how a court or a Planning Appeal Inspector would react to that position. So, discussion with SKDC is essential to try and find a way forward in respect of Quarry Farm.'

### Response to Question c)

As there is no formal agreement or memorandum of understanding or co-operation in place and following the withdrawal of the submitted Local Plan, then there is 'no proposed joint development' and there are no specific legal responsibilities on any party.

As explained above, it is difficult to predict how the issue would be treated by an Inspector or a court in the event of an appeal or legal challenge in relation to Quarry Farm.

The report to full Council in September 2021 outlined the implications of the withdrawal of the Local Plan with respect to this site.

These are set out in paragraph 2.18 of the report:

'Withdrawing the Local Plan will also mean that there will no longer be an emerging policy basis in Rutland for the Quarry Farm allocation of 650 homes. This site is identified in South Kesteven's adopted Local Plan as an integral part of the comprehensive Stamford North Sustainable Urban Extension (SUE) and contributes to the housing need for the sub-regional Strategic Housing Market. The Council has committed to provide the 650 homes to meet this housing need under the statutory Duty to Co-operate. Although the housing numbers allocated at Quarry Farm only begin to contribute to the South Kesteven housing supply in

year 6 of its housing trajectory, the scheme is considered necessary to enable the comprehensive development of the SUE and secure the associated infrastructure (e.g. link road and primary school). The Council will be able to reconsider the strategy for Quarry Farm as part of the process of making a new Local Plan taking into account any legal considerations, the Duty to Co-operate and the refreshed evidence base of the objectively set housing need. The Council will have to consider its position if an application for the Quarry Farm site is made in the interim.'

**Councillor Oliver Hemsley**  
**Leader of the Council**

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