



Rutland County Council

Catmose Oakham Rutland LE15 6HP.

Telephone 01572 722577 Facsimile 01572 75307 DX28340 Oakham

Minutes of the **MEETING of the PLACES SCRUTINY PANEL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Thursday, 25th June, 2015 at 7.00 pm

Present: Mr J Lammie (Chair)
Mr O Bird
Mr G Conde
Mr W Cross
Mr J Dale
Mr O Hemsley
Mr A Mann
Mr M Oxley

Apologies Mr S Asplin
Mr E Baines

In attendance: Mr R Gale
Mr T C King
Mr A Mathias

Portfolio Holder for Places (Development and Economy) and Resources
Portfolio Holder for Places (Highways, Environment, Transport and Community Safety)

Officers present: Mr Dave Brown
Mr Paul Phillipson
Mr David Troy
Miss Marcelle Gamston

Director for Places - Environment, Planning and Transport
Director for Places - Development and Economy
Planning Policy and Housing Manager
Corporate Support Officer

Absent: None

41 RECORD OF MEETING

The Record of the Meeting of the Places Scrutiny Panel held on 26 March 2015, copies of which had been previously circulated, were confirmed and signed by the Chairman.

42 DECLARATIONS OF INTEREST

No declarations of interest were received.

43 PETITIONS, DEPUTATIONS AND QUESTIONS

Two questions had been received from Mr Duell. Mr Duell put the questions to the meeting as Members had received the full text prior to the meeting:

Question 1

I have been challenging the very high costs of marriages on approved premises for over two years. The meaning and intent of the regulations seems to be clear to all but council officials.

Councillor Begy responded to an email I sent to the cabinet and I rang him to discuss the issue. He assured me that I could trust him and promised that the council would not make any decisions on these costs until I had heard back from the Ombudsman regarding the review I had asked for. However, the cabinet later approved a 1.9% increase in the costs for the coming year, despite the ombudsman requiring that the costs be calculated and also knowing that there were serious questions to be answered about the legality of their existing costs.

I believe these very high costs to be illegal and I attach a copy of a letter I wrote to the RCC Cabinet on 9th February 2015 which contains a detailed response to the council's breakdown of the costs that I finally received more than 18 months after I had asked for them.

Q1 Is the council prepared to address each of the points I have highlighted in my letter?

Q2 I am not in a position to fund a judicial review of the regulation. Shouldn't the council consider funding this in order to establish whether or not they are acting illegally?

The Chair invited the Portfolio Holder, Mr King to respond to the question. The response is shown below.

Answer

Mr Duell has previously complained to the Local Government Ombudsman about the level of charges for Registration Services in Rutland. On 29 September 2014 the Ombudsman made his final decision on the complaint. The Ombudsman found that the Council was at fault for failing to calculate an accurate cost base on which it could fairly base its fees for conducting weddings at appropriate premises. He directed the Council to complete a review of the fees within 2 months. The review was completed, with costs being calculated using "Chartered Institute of Public Finance & Accountancy" (CIPFA) approved methodology. The report was sent to the Local Government Ombudsman, who felt the report was thorough and useful, and that the agreed remedy had been provided to Mr Duell's complaint.

The report was considered by Cabinet on 10th February 2015 as part of the setting of Places Directorate Fees and Charges. Mr Duell was sent a copy of the report in advance of the Cabinet meeting, on 15th January 2015. Mr Duell did not attend the Cabinet meeting to hear the discussion of the paper. Cabinet limited the increase in charges to 1.99%, in line with Council's policy for increase in fees. This meant that the fees remained below the level of full cost recovery. The fees are significantly

below those charged by most other Local Authorities. The outcome of the meeting was communicated personally to Mr Duell on the same day, who indicated he would be raising the issue again with the Local Government Ombudsman. The Council has received no further communication from Mr Duell until the submission of these questions on 11th June 2015. The Local Government Ombudsman has not re-opened the case.

Mr Duell asserts that the very high level of charges prohibits less well-off members of the public from using the service. Aside from Mr Duell's complaint, we have no other record of complaints about the levels of charges. 319 ceremonies took place in 2013-14; 348 in 2014-15; and currently 355 ceremonies are booked for this financial year (more are likely to be booked as the year progresses). The trend would not suggest that the level of charges is deterring potential couples from marriage or civil partnership.

RESPONSE TO MR DUELL'S QUESTIONS

In Q1 Mr Duell asks the Council to respond to each of the 56 points he raises in his 7 page letter. The Council does not believe this would be an appropriate use of Officer time, as the Local Government Ombudsman has already reviewed the report and found it to be satisfactory.

In Q2 Mr Duell asks the Council to fund a Judicial Review in to the regulation of Registration Service fees. The Council has received professional legal advice from Peterborough Legal Services. This advice has been clear and unequivocally states that the fees have been set legally. The Council does not believe it is therefore appropriate to spend public money on challenging its own procedures, or the national regulations that underpin the determination of fees.

Mr Duell did not ask a supplementary question but did request that councillors considered his letter and points previously submitted. The Chair stated that the letter would be circulated outside of this meeting and Members could decide whether to discuss at a future panel.

Question 2

I recently took a bag of rubble to the Cottesmore tip and arrived at seven minutes before the published closing time and I was surprised to see the gates being locked. When I pulled up in front of the gates, the staff were getting into their cars.

I pointed out the time, but was refused entry and was told that the council had approved the change to the regulations that no cars were allowed onto the premises from 10 minutes prior to closing. When suggesting that I could simply walk on without my car, entry was still refused. The manner of the staff was officious and hostile.

I contacted the council and was told that the measure was to prevent members of the public arriving at the last minute with 20 minutes worth of unloading to do.

- 1 The published access times should be just that - times between which members of the public can gain access to take rubbish.
- 2 To change access in this way simply means that the opening times have been reduced and there is nothing to prevent members of the public from arriving just

before the new effective closing time with 20 minutes worth of rubbish to unload. Using the above precedent, the council's solution would seem to be to reduce the access time further.

- 3 Few people actually leave their workplace exactly on time. This solution changes the situation from the staff losing a few minutes of their time occasionally (surely it wouldn't happen every day?) to their being paid to go home early. This is a rather silly solution to this problem and if shops, banks and other businesses can do it, why can't the council?

I have seen a better solution in other parts of the country where cones are placed across the entrance from ten minutes before closing time and a member of staff then allows access or not according to the amount of time required to unload. Use of the tip is available right up until the official closing time and if the staff are still clearing away, beyond it. The tips where I have seen this in action are far bigger tips than the tiny ones in Rutland and the manner of the staff has been friendly and accommodating. At these tips, there are a number of ways in which members of the public continue to show their appreciation.

It also means that this service, provided by the council, is a quality one and is held in high regard by the public.

Q1: Will the council review access to the tips to ensure that they are fully accessible within their published opening times?

Q2: If the contractor cannot provide proper access according to the normal opening times shouldn't a different contractor be used?

The Chair invited the Portfolio Holder, Mr Mathias to respond to the question. The response is shown below.

Answer

The Council apologises for any inconvenience caused. It is the case that the current procedure regarding access to the Authority's two Civic Amenity Sites (the tips) is to close the gates 5minutes prior to the stated closing time. Thus the information currently provided online is correct.

This is to prevent Customers being on the Sites significantly beyond the closing times due to the amount they have to unload.

With reference to the request to 'walk the waste' onto the Site this is something that the Authority will refuse due to Health & Safety concerns; Civic Amenity Sites contribute significantly to accidents that occur within the Waste Management industry and the majority of these arise from pedestrian-vehicle interaction, so it is common practice that this be avoided where possible.

However, other elements of this enquiry are a concern and need to be investigated. Thus, this has been registered as a formal complaint; reference C145-15. In particular, the alleged officious and hostile manner of the staff will be looked into, as will the reference to refusing entry 10 minutes prior to closing. No change from 5 minutes to 10 minutes has been agreed nor even discussed with the Authority.

Regarding your call for a review of these arrangements to ensure that these Sites are fully accessible within the published opening times, such a review will be commenced by w/c 29.06.2015.

Mr Duell informed the Panel that he had arrived at 5 minutes before closure and not 10 minutes before, he apologised for this as it had not been his intention to mislead.

44 QUESTIONS WITH NOTICE FROM MEMBERS

No questions with notice had been received from Members.

45 NOTICES OF MOTION FROM MEMBERS

No notices of motion had been received from Members.

46 PERFORMANCE MANAGEMENT REPORT Q4 2014-15

Report No. 98/2015 from the Chief Executive was received.

The Portfolio Holder for Places (Development and Economy) and Resources, Mr King, introduced the report the purpose of which was to report to Cabinet on the Council's performance for the fourth quarter of 2014/15.

The following points were noted in discussion:

1. PI151 – Overall employment rate (working age): Councillor King had requested an explanation from officers as he believed this to be a reversal of figures.
2. PI155 – Number of affordable homes delivered: That the number of affordable homes being brought forward was high and robust.

AGREED:

1. That the contents of report no. 98/2015 be noted.

47 RUTLAND LOCAL PLAN LOCAL DEVELOPMENT SCHEME

Report No. 110/2015 from the Director for Places (Development and Economy) was received.

The Portfolio Holder for Places (Development and Economy) and Resources, Mr King, introduced the report the purpose of which was to consider the updated Local Development Scheme (LDS) covering the Local Plan work programme for the next 3 years period from 2015-2018 prior to forwarding it to Cabinet

The revised Programme for Preparation of Development Plan Documents 2015 – 2018 was distributed.

Members were advised that the Site Allocations and Policies Development Plan Documents (DPD) – part of the last Local Plan specified that that the Local Plan review would be completed by the end of December 2017. That as a new Council, it would need to consult with the community on the 20 Year Vision for Rutland; that the main drivers from the community would need to be set against the anticipated future

growth of the County. The more formal Local Plan process would consider the level and location of development.

The Planning Policy and Housing Manager, Mr Troy, highlighted the following points:

1. It was proposed that the Minerals Core Strategy and Development Control Policies Development Plan Documents (DPD), Core Strategy DPD and Site Allocations and Policies DPD be replaced by a single Local Plan, the framework by which planning would be determined.
2. That Neighbourhood Plans were part of the statutory development plan, of similar weight to the Local Plan. It was a lengthy process; initially a community document that was subject to an external examination and referendum.
3. That the Supplementary Planning Documents (SPDs) would be brought to the Places Scrutiny Panel.
4. Slight delay due to 20 Year Vision therefore it was proposed to present the report to Cabinet in August.

The following points were raised during discussion:

1. That two and a half years was a compact timescale in which to prepare the documents. Once produced more formal comment could be made at a later stage.
2. That the Community Infrastructure Levy (CIL) replaced Section 106; once set in place would apply to all residential development with some exceptions (e.g. house extensions, annexes). Town/Parish Councils with a neighbourhood plan would receive 25% of the levy; non-neighbourhood plan councils would receive 15%.
3. That neighbourhood plans had to be compliant with the Local Plan and policies in place. The allocation of development sites and the type of development would be detailed in the neighbourhood plan and should not promote less development than set out in the Local Plan. It is envisaged that the neighbourhood plans would be reviewed and refreshed to ensure compliance with the Local Plan review for the period up to 2036.
4. That the general focus of/for development was on larger villages and towns.
5. That only those communities with development would receive CIL.
6. Concern was expressed that future development would place pressures on the infrastructure.
7. That the views of communities would be sought at the beginning of the 20 Year Vision process before final decision making.
8. That the Panel was broadly supportive of the 20 Year Vision; would welcome further work on consultation scope to be incorporated into the report to Cabinet
9. That all communities would be engaged with equally; it was acknowledged that communities with a neighbourhood plan were likely to have a greater understanding of their issues and knowledge of, and getting communities engaged in, the process.
10. That the 20 Year Vision offered an opportunity to encourage communities to produce a neighbourhood plan.
11. Concern was expressed that there was a risk that the housing allocation stated in the Local Plan could be delivered early. Report to be brought to a future meeting of the Places Scrutiny Panel.
12. If December 2017 deadline was exceeded the Council could be at risk from developers looking for development in the area and applying for planning permission if the Local Plan policies are out of date.. The Minister had already

stated he wanted to speed up the neighbourhood plan process. Look to adopt the Local Plan in March 2018.

13. That neighbourhood plans had to be compliant with the Local Plan and policies in place. The allocation of development sites and the type of development would be detailed in the neighbourhood plan and should not promote less development than set out in the Local Plan. It is envisaged that the neighbourhood plans would be reviewed and refreshed to ensure compliance with the Local Plan review for the period up to 2036.
14. If December 2017 exceeded the Council could be exposed, two and a half year plan. The Minister had already stated wanted to speed up the neighbourhood plan process. Look to adopt the Local Plan in March 2018.
15. It was requested that the report to Cabinet included detailed funding information.

AGREED:

1. That the content of report no. 110/2015 be noted.
2. That the Panel was broadly supportive of the 20 Year Vision.
3. That the Panel requested further work on consultation scope be incorporated into the report to Cabinet.
4. That the Supplementary Planning Documents (SPDs) would be brought to the Places Scrutiny Panel.
5. That a report of Local Plan Housing Allocations and delivery would be brought to the Places Scrutiny Panel.

48 SCRUTINY PROGRAMME 2015/16 & REVIEW OF FORWARD PLAN

The Chairman highlighted Street Lighting and that a paper would be received at Panel before the end of 2015.

The Chairman undertook to email a list of areas to be considered to Members.

49 ANY OTHER URGENT BUSINESS

There was no other urgent business.

50 DATE AND PREVIEW OF NEXT MEETING

8 October 2015

Reports to be taken: Integrated Transport Capital Programme
 Speed Limit Policy

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Chairman closed the meeting at 8.27 pm.

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