



Rutland County Council

Catmose Oakham Rutland LE15 6HP.

Telephone 01572 722577 Email: Governance@rutland.gov.uk

Minutes of the TWO HUNDRED AND THIRTY FIFTH **MEETING** of the **COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 13th December, 2021 at 7.00 pm

PRESENT:	Councillor J Dale (Chairman)	Councillor P Ainsley
	Councillor E Baines	Councillor G Brown
	Councillor J Burrows	Councillor W Cross
	Councillor J Fox	Councillor S Harvey
	Councillor O Hemsley	Councillor M Jones
	Councillor A MacCartney	Councillor M Oxley
	Councillor K Payne	Councillor R Powell
	Councillor I Razzell	Councillor L Stephenson
	Councillor L Toseland	Councillor G Waller
	Councillor S Webb	Councillor D Wilby

OFFICERS PRESENT:	Mark Andrews	Chief Executive
	Marie Rosenthal	Monitoring Officer
	Sue Bingham	Interim Corporate Governance Manager
	Tom Delaney	Governance Officer

1 APOLOGIES

Apologies for absence were received from Councillors N Begy, A Brown, P Browne, K Bool and A Walters.

2 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Members that he or the Vice-Chairman had attended the following events since the last meeting of the Council:

- Armistice Day at the Grounds of Oakham Castle
- Service of Remembrance at All Saints' Church, Oakham
- Visit of HRH The Duke of Gloucester to Rutland Showground
- Mayor of Melton's Christmas Carol Service, at St Mary's Church, Melton

The Chairman informed Members that he had agreed to a request from officers to change the date of Council in February from the 21st to the 28th, this was to allow for the anticipated delay in the Council's final settlement figures from central government and the need to give due weight to the three-week public consultation and the budget scrutiny meetings taking place in January. The Chairman informed Members that the

Leader had also agreed a change of the February Cabinet date from 8th to 15th February.

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

The Chairman invited Councillor O Hemsley, Leader of the Council, to make his announcements:

- Councillor Hemsley advised Council that Councillor S Harvey had joined Cabinet as the Portfolio Holder for Health, Wellbeing and Adult Care
- Councillor Hemsley expressed his thanks to all of the Council for the hard work undertaken over the past 12 months and highlighted some achievements.
- Councillor Hemsley wished all Members and officers a very Happy Christmas.

The Chairman invited Councillor L Stephenson, Deputy Leader of the Council, to make her announcements:

- Councillor Stephenson updated the Council on the waste survey which was currently out for consultation. 1,081 responses had been received and Councillor Stephenson thanked all for sharing. The consultation was due to close at midnight on 19th December 2021.
- Councillor Stephenson stated that suggestions had been received from residents that more free text was required. Comments from residents were being collated and Councillor Stephenson asked Members to share these with her so residents' views could be heard.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 MINUTES OF PREVIOUS MEETING

Consideration was given the minutes of the meetings held on 8 November 2021.

RESOLVED

That the minutes of the meetings held on 8 November 2021 be **APPROVED**.

6 PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC

Susannah Holloway, submitted her question addressed to the Council, as published in the agenda supplement.

The Chairman invited Councillor I Razzell as the relevant Portfolio Holder to respond.

“Prior to the formal consultation period the Mallard Pass Solar Farm promoters (Windel Energy and Canadian Solar) were currently undertaking a “non-statutory” 6-week consultation, which ends on the 16th December. The Council has not yet provided any formal response to the project proposal. Officers are intending to provide a general response at this stage advising that the Council would expect a planning application and its accompanying Environmental Statement.

The Council will also provide comments on the applicants Statement of Community Consultation (SoCC) prior to the formal consultation period taking place in order to ensure that all relevant local communities are consulted and aware of the proposals. In relation to a possible future planning application our position regarding the preparation of a new Local Plan does not prevent the proper consideration of this or any other development proposal. The starting point will be National Planning Policy Guidance contained in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) along with the relevant policies contained in the Council's adopted Core Strategy and Site Allocations DPD. All of which will still be relevant to the determination of this National Infrastructure Project".

Keith Busfield, submitted his question addressed to the Council, as published in the agenda supplement.

The Chairman invited Councillor I Razzell as the relevant Portfolio Holder to respond.

"The process for the consideration and determination Nationally Significant Infrastructure Projects such as this provides opportunities at different stages in the process for all those who are interested to make their views known. The process is set out on the Planning Inspectorate's".

<https://infrastructure.planninginspectorate.gov.uk/application-process/participating-in-the-process/>

As I have explained in response to the question raised by Susannah Holloway this scheme is at the first stage of consultation the Council and no doubt local communities will be seeking more detailed information before coming to planning view on the proposal. Mr Busfield you are clearly aware that ultimately the decision on any will be made by a government minister following the consideration and recommendation from the Planning Inspectorate. The Council and local communities do however have a major role to play in this process.

The following supplementary question was asked by Mr Busfield:

"The Planning Inspectorate themselves state that the time to change the plans was at stage one. The scheme was currently at stage one, and this was due to finish on 16th December 2021. What would the Council like to do in terms of responding?".

Councillor Razzell stated that he had been assured by Officers that the point at which they engage is that which was already stated.

Adrian Forsell, submitted his question addressed to the Council, as published in the agenda supplement.

The Chairman invited Councillor I Razzell as the relevant Portfolio Holder to respond.

"As I have already explained the response of the Council at this non -statutory consultation stage is to ensure that:

1. The project promoters provide the essential and important detailed information in relation to the relevant planning considerations – I referred to this in my response to Susannah Holloway
and

2. The project promoters set out their proposals for further community and public consultation and engagement, to ensure that all relevant local communities are consulted and aware of the proposals at each stage of the process.

The Planning Committee of Rutland County Council will, if the scheme is progressed, have ample opportunity at a later stage to consider the details of the proposal, assess the material planning considerations and make the views of the Council as a Local Planning Authority on this project known to the Planning Inspectorate and the appropriate Government Minister”.

The following supplementary question was asked by Mr Forsell:

“What will the Council do in terms of engaging with the public and allowing them to have their views heard?”.

Councillor Razzell stated that as per the Constitution it was the Councillors duty to engage with Constituents and with the Parish Councils. All across the Council were engaged with the process. Councillor Razzell assured that this would continue and urged residents to engage with their respected Councillors.

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.

“The report to Council in September regarding the Local Plan stated that withdrawing the Local Plan would mean that there is no longer an emerging policy basis in Rutland for the Quarry Farm allocation of 650 homes. This report also highlighted that 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 that it would contribute to the overall housing need for the sub-regional Strategic Housing Market.

Members will be aware that the South Kesteven Local Plan was adopted on the basis that the 650 homes at Quarry Farm would contribute to South Kesteven’s housing supply. The Council has sought legal advice on this matter and has entered discussions with South Kesteven as to how this situation could be resolved given the requirements placed on both authorities under the duty to co-operate. Those discussions have commenced but given the legal complexity of this situation there is no outcome from these at present, and indeed this situation may take some time to resolve.

In the meantime, it should be noted that the Quarry Farm development could not in any event assist Rutland’s current housing land supply in the absence of a planning permission or a clear indication this is likely and that houses would be deliverable within 5 years”.

Councillor Cross asked a supplementary question regarding the timings on which an agreement had been entered with South Kesteven District Council and the extent to which this had been shared with other Councillors.

In response, the Leader set out that the now withdrawn Local Plan had contained a clear indication that the Council would work with South Kesteven District Council on such a development, the Leader agreed to provide further information outside of the meeting.

8 REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL

There had been no referral of committee decisions to the Council.

9 CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 8 NOVEMBER TO 13 DECEMBER 2021 (INCLUSIVE)

There had been no call-in of decisions from Cabinet meetings.

10 REPORTS FROM THE CABINET

Report No. 183/2021 was received from the Cabinet. Councillor O Hemsley introduced the report which sought to report back to Council on the action taken in response to a Petition presented at the Council meeting on 8 November which was then referred to the Cabinet. The Cabinet considered the Petition at its meeting on 16th November 2021.

Councillor Hemsley advised that the swimming pool site was currently owned by Catmose College but was not fully aware of their intentions as this had not yet been progressed.

It was moved by Councillor Hemsley that Council noted the contents of the report. This was seconded and upon being put to the vote, the motion was unanimously carried.

RESOLVED

That Council:

- 1) **NOTED** the response of Cabinet to the Petition presented to Council on 8 November.

Report No. 184/2021 was received from the Cabinet. Councillor L Stephenson introduced the report which sought to advise Council of an Executive Key decision concerning a Bus Service Improvement Plan for Rutland that had been taken as an urgent item under Procedure Rule 208 of the Council's Constitution. This Rule allowed an urgent decision to be exempt from scrutiny call-in if a decision needed to be implemented as a matter of urgency. Procedure Rule 208 required a report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as matter of urgency.

Cabinet considered an urgent report on 26 October 2021 recommending the approval of the Council's draft Bus Service Improvement Plan (BSIP). Councillor Stephenson had emailed all Members ahead of the Cabinet meeting requesting any additional comments or amendments.

Following a statement from Members requesting that they are informed at the beginning of the process moving forward, Councillor Stephenson stated that

information on the Bus Service Improvement Plan had been provided in the weekly roundup and had been mentioned informally when the Bus Back Better initiative was announced by central government before May 2021.

Councillor Stephenson explained to Members that Officers had been continuously asking the Department for Transport for the costs of the plan to be regularly updated. The financial information had still not been received from the Department for Transport.

In response to a question from Members regarding the decision-making process of Cabinet during virtual meetings, the Monitoring Officer confirmed that during the Covid pandemic the Leader had created an Executive Scheme of Delegation that the Cabinet Members could only make decisions in consultation with full Cabinet.

It was moved by Councillor Stephenson that Council noted the contents of the report. This was seconded and upon being put to the vote, the motion was unanimously carried.

RESOLVED

That Council:

- 1) In line with Procedure Rule 208 of the Council's Constitution **NOTED** the urgent decision in relation to a Bus Service Improvement Plan for Rutland taken by the Portfolio Holder for Communities, Environment and Climate Change on 26 October 2021.

11 REPORTS FROM COMMITTEES OF THE COUNCIL

Report No. 162/2021 was received from the Planning and Licensing Committee. Councillor E Baines, Chair of the Committee, presented the report which was to seek approval from Council to adopt the proposed Gambling Act 2005 Statement of Principles.

It was moved by Councillor Baines that Council adopted the proposed Gambling Act 2005 Statement of Principles set out in an Appendix to the report. This was seconded and upon being put to the vote, the motion was unanimously carried.

RESOLVED

That Council:

- 1) **ADOPTED** the proposed Gambling Act 2005 Statement of Principles for Rutland County Council.

Report No. 168/2021 was received from the Audit and Risk Committee. Councillor R Powell, Chair of the Committee, presented the report which was to seek approval from Council to approve the Terms of Reference for a Constitution Review by the Constitution Review Working Group. Councillor Powell thanked all Members for their responses to the recent Member's survey on the current Constitution.

In response to a Member query on the second recommendation of the report, the Monitoring Officer explained that this was for the Audit and Risk Committee and not the Council. Councillor G Waller proposed an amendment to the motion to delete recommendation 2 from the report. This was seconded and unanimously approved.

In response to a question from Members, The Monitoring Officer confirmed that the suggestion to formally constitute the Constitution Review Working Group as a formal body of the Council would be taken forward as part of the review itself.

It was moved by Councillor Powell that Council approved the contents of the report. This was seconded and upon being put to the vote, the motion was unanimously carried.

RESOLVED

That Council:

- 1) **APPROVED** the Terms of Reference set out in the Report for a Constitution Review by the Constitution Review Working Group.

12 REPORTS FROM SCRUTINY COMMISSION / SCRUTINY COMMITTEES

There were no reports from the Scrutiny Commission or Scrutiny Committees.

13 JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

Councillor K Payne had attended the Hanson Liaison Committee on 1st December 2021 and gave a brief update to Council:

- Kevin Burton from the Environment Agency was in attendance.
- Only 1 noise complaint had been received in the last quarter and was being investigated.
- Emissions were all well below permissible levels.
- An update was given on the Quarry Restoration project which was planned through until 2026 and was still on target. The Liaison Committee would be invited to see some of the works in Spring 2022.
- Hanson Cement had undertaken a thorough review of the fire which occurred in July 2021. It was caused by an electrical fault in the clinker system. As a result of the review temperature monitoring equipment had been installed, thermal imaging was now present, and a fire suppression would be installed during the annual plant shut down in January and February 2022.
- The Environment Agency report was positive, and they had fast tracked Hanson's application for a license to use Hydrogen generated on site by water. Councillor Payne would give an update on the level of reduction after the next Committee meeting.

Councillor O Hemsley attended the monthly Unitary Council's Network meeting and gave a brief update to Council:

- A discussion took place regarding the UASC. 10% of the arrivals were children.
- Rutland had represented 25% of the children in care of the UASC.

Councillor Hemsley attended the Rural Services Network AGM and gave a brief update to Council:

- Attendance had risen from 60+ to 420+ when switched to virtual and also generated savings of £25,000. By taking the decision to continue with virtual meetings.
- Discussions took place around the change in direction of Mr Gove becoming Secretary of State, halting the Planning White Paper, a review of housing numbers, a refresh of the levelling up agenda, Council's not being funded to deliver net zero carbon agenda and a discussion around carbon credits and how this could bring investment into an area.

Councillor Hemsley attended the East Midland's Council meeting and gave a brief update to Council:

- Discussions took place around County deals and the LEP review. The thought was that the work of the LEP would be brought back into accountable bodies i.e., Local Councils. Councillor Hemsley would keep the Council informed.
- Devolution was discussed and more broadly the investment into the rail network.

Councillor Hemsley attended the Local Enterprise Partnership Board meeting and gave a brief update to Council:

- Discussions took place around the future of the LEP's, and the launch of the UK food value and work being undertaken with schools and businesses.

Councillor Hemsley had been in discussions with the Lincolnshire Chamber of Trade regarding a Rutland Chamber of Trade.

Councillor E Baines updated the Council on the Welland Partnership:

- The partnership had an uncertain future due to funding difficulties, the Project Officer had been appointed to a new position and the Chairman had moved to another County.
- A new Chairman had been appointed and an advert for a new Project Officer would be advertised imminently.
- Councillor Baines explained the possibilities of merging with the Nene Partnership but this being larger would have an impact on the interests of the Welland Partnership.
- Councillor Baines advised Members on the figures showing the state of Rutland rivers. 21% of water courses were rated bad, 33% were rated moderate, 43% above moderate and 3% were rated good. The maps did highlight that Rutland was responsible for the poor quality.
- The Gwash Adoptive Management Scheme would be running from 2022 to 2024 which would deal with bio diversity and climate change. This would cost £300,000 but would be funded by Anglian Water.

14 NOTICES OF MOTION

No Notices of Motion had been received.

15 POLITICAL BALANCE AND ALLOCATION OF SEATS TO POLITICAL GROUPS

Report No. 185/2021 was received from the Monitoring Officer. Councillor O Hemsley introduced the report which requested that Council approved the political balance calculation for the Council following several events to change the political makeup of the Council, agreed the number of voting places, and allocated seats to political groups on relevant committees appointed by Council. The report also requested that Council appointed a Chair of the Adults and Health Scrutiny Committee following Councillor S Harvey's appointment to Cabinet.

Councillor M Oxley confirmed that the Independent and Green Group's nomination for the new seat on the Audit and Risk Committee would be Councillor M Jones.

Councillor Hemsley confirmed that the new Members of the Conservative Group to be nominated to the Children's and Young Peoples Scrutiny would be Councillors E Baines and J Fox. The new Member of the Conservative Group to be nominated the Adults and Health Scrutiny would be Councillor K Bool.

In response to a query on the remaining vacant seat on the Adults and Health Scrutiny Committee for a non-aligned Member, the Monitoring Officer advised Members that the seat would be filled at the next meeting of Council.

It was moved by Councillor Hemsley that Council adopted the political balance calculation at Table A of the report, approved the allocation of seats and noted the Political Groups nominations at Appendix A., and appointed Councillor G Waller as the Chair of the Adults and Health Scrutiny Committee the contents of the report. This was seconded and upon being put to the vote, the motion was unanimously carried.

RESOLVED

That Council:

- 1) **ADOPTED** the political balance calculation for the Council at Table A.
- 2) **APPROVED** the allocation of seats to Political Groups, as determined by the political balance, as set out in Appendix A of the report.
- 3) **NOTED** the group's nominations for the Scrutiny and Standing Committees in Appendix A based on the seats allocated, including the nominations confirmed by Group Leaders at the meeting.
- 4) **APPOINTED** Councillor G Waller as Chair of the Adults and Health Scrutiny Committee from among the membership of the Committee.

16 NEW ARMED FORCES COVENANT LEGISLATION

Report No. 186/2021 was received from the Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure and Councillor I Razzell introduced the report as the Council's Armed Forces Champion. The report outlined the progress of the Armed Forces Covenant legislation as part of the updated Armed Forces Bill, and the plans to ensure appropriate implementation in Rutland. The report referred to 'new legislation' throughout for ease, though it was recognised that this clause was an addition to the existing Armed Forces Bill.

It was moved by Councillor Razzell that Council noted the contents of the report and endorsed the approach. This was seconded and upon being put to the vote, the motion was unanimously carried.

RESOLVED

That Council:

- 1) **NOTED** the implications of the forthcoming amendment to the Armed Forces Bill for Rutland.
- 2) **ENDORSED** the approach used to manage implementation of the new legislative requirements.

17 ANY URGENT BUSINESS

There were no items of urgent business for consideration.

---oOo---

The Chairman declared the meeting closed at 8.12 pm.

---oOo---