



Rutland County Council

Catmose Oakham Rutland LE15 6HP
Telephone 01572 722577
Email: governance@rutland.gov.uk

Minutes of the 248th **MEETING of the COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 27th March, 2023 at 7.00 pm

PRESENT:	J Dale (Chairman) Councillor E Baines Councillor K Bool Councillor G Brown Councillor W Cross Councillor O Hemsley Councillor M Oxley Councillor K Payne Councillor L Stephenson Councillor D Wilby	Councillor P Ainsley Councillor D Blanksby Councillor A Brown Councillor J Burrows Councillor S Harvey Councillor S Lambert Councillor R Payne Councillor R Powell Councillor G Waller
APOLOGIES:	Councillor N Begy (Vice-Chairman) Councillor J Fox Councillor L Toseland	Councillor P Browne Councillor A MacCartney Councillor S Webb
OFFICERS PRESENT:	Mark Andrews Kirsty Nutton Penny Sharp Angela Wakefield Tom Delaney Mathew Waik	Chief Executive Strategic Director for Resources Strategic Director for Places Director for Legal and Governance Governance Manager Communications Service Manager
ABSENT:	Councillor A Walters	Councillor R Wilson

1. APOLOGIES

Apologies for absence were received from Councillors N Begy, P Browne, J Fox, A MacCartney, L Toseland and S Webb.

2. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no formal announcements but informed Members that he had agreed to the cancellation of the 24 April meeting of council as there was no business due for consideration.

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 Head of Paid Service.

4. DECLARATIONS OF INTEREST

Councillor M Oxley declared a personal non-pecuniary interest in item 16 – Second Homes and Empty Homes – Council Tax Premium, as the owner of a let property attached to his home. Councillor Oxley confirmed he had been advised by the Monitoring Officer he could speak and vote on the item.

5. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meetings held on 21 and 27 February 2023.

It was moved by Councillor L Stephenson and seconded that the minutes be approved. Upon being put to the vote, with 15 votes in favour and 4 abstentions, the motion was carried.

RESOLVED

- a) The minutes of the meetings held on 21 and 27 February 2023 be **APPROVED.**

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

Three deputations had been received from Members of the public, the text of which had been circulated via an agenda supplement. The deputations were taken in the order in which they had been received.

The first deputation was presented by Ron Simpson, Chair of CPRE Rutland, following the deputation Members had no questions for Mr Simpson.

The second deputation was presented by Jason Allen, Chair of Discover Rutland, following the deputation Members had no questions for Mr Allen.

The third deputation was presented by Ramsay Ross of the Rutland Health and Social Care Policy Consortium, following the deputation Members had no questions for Mr Ross.

7. QUESTIONS FROM MEMBERS OF THE COUNCIL

No questions had been received from Members of the Council.

8. REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL

No referrals of committee decisions had been received.

9. CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 27 FEBRUARY TO 27 MARCH 2023 (INCLUSIVE)

No call-ins from Cabinet meetings had been received.

10. REPORTS FROM THE CABINET

Two reports had been received from the Cabinet.

10a) CABINET RECOMMENDATIONS TO COUNCIL

Report No. 47/2023 was received from the Cabinet, the report detailed several recommendations from the Cabinet to Council for consideration.

The Chairman first invited Councillor D Wilby, Portfolio Holder Education and Children's Services, to move the recommendations relating to SEND Capital Funding. These recommendations followed the allocation to the Council of £1,000,390 from Department for Education Capital Grant to resource Capital programmes and develop additional school facilities locally for children with Special Needs and Disabilities. It was confirmed that the recommendations could be found in full at the appended Report No. 30/2023 and these were moved by Councillor Wilby and seconded.

An amendment was moved by Councillor K Bool and seconded to insert the words "in consultation with the Portfolio Holder for Education and Children's Services" into the second recommendation. Upon being put to the vote, with 19 votes in favour the amendment was unanimously carried.

RESOLVED

- 1) That the second recommendation of the motion be **AMENDED** to include the text "in consultation with the Portfolio Holder for Education and Children's Services".

The amended motion was then put to the vote with 19 votes in favour the motion was unanimously carried.

RESOLVED

That Council:

- 1) **APPROVED** allocation of £1,000,390 from Department for Education Capital Grant funding provided to Rutland County Council to resource Capital programmes and develop additional school facilities locally for children with Special Needs and Disabilities.
- 2) **DELEGATED** authority to the Strategic Director for Children and Families and the Strategic Director for Resources, in consultation with the Portfolio Holder for Education and Children's Services to decide how the maximum allocation will be applied.
- 3) **DELEGATED** authority to the Strategic Director for Children and Families in consultation with the Director of Legal & Governance, Monitoring Officer and the Portfolio Holder for Education and Children's Services, to enter into all necessary agreements to progress the programme.
- 4) **NOTED** that the Capital Grant has conditions and that RCC will have to sign an assurance statement confirming RCC has used the Capital Grant for its

intended purpose. Accordingly, any capital programmes will not create any ongoing revenue pressure from use of the Capital Grant and that the programme only support schemes that either reduce or avoid costs.

- 5) **NOTED** the tight grant timelines, the Delivering Better Value Review context and the imperative for agile project working.
- 6) **NOTED** the anticipated projects will likely increase sufficiency of SEND places in Early Years and Primary phase mainstream education and Secondary Phase Alternative provision.

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The Chairman then invited Councillor R Powell, Portfolio Holder for Planning, Highways and Transport, to introduce the recommendations regarding the Highways Capital Programme for 2023/24. The Highways Capital Programme supported the Council's statutory duties as a highway authority and was prioritised from highways asset condition surveys and inspections.

The recommendations relating to the Highways Capital Programme for 2023/24 were moved by Councillor R Powell and seconded. Upon being put to the vote, with 19 votes in favour the motion was unanimously carried.

RESOLVED

That Council:

- 1) **APPROVED** the spend from the Department for Transport (DfT) allocation for the Highway Capital Programme for the Capital Highway Maintenance Block, Integrated Transport, Capital Pothole and Incentive Funds received to the value of £2,843,000 for 2023/24 as per Appendix A to Report No. 35/2023
- 2) **DELEGATED** authority to the Strategic Director of Places in consultation with the Portfolio Holder for with responsibility for Highways to agree any substitution of projects if the identified schemes cannot proceed.

10b) REPORT ON USE OF SPECIAL URGENCY PROVISIONS

Report No. 48/2023 was received from Councillor L Stephenson, Leader of the Council. The report informed Council of the Cabinet's use of the Special Urgency Provisions in Procedure Rule 107 in order to make an urgent decision at the 14 February Cabinet in relation to the Catmose Sports Centre contract.

RESOLVED

- a) That the report be **RECEIVED** and **NOTED**.

11. REPORTS FROM COMMITTEES OF THE COUNCIL

A report had been received from Councillor A Walters as Chair of the Audit and Risk Committee. The report updated Council on the latest position with regard to the Council's Statement of Accounts for 2021/22.

RESOLVED

- a) That the report be **RECEIVED** and **NOTED**.

12. REPORTS FROM SCRUTINY

A verbal update was received from Councillor G Waller regarding the meeting of the Strategic Overview and Scrutiny Committee on 22 March 2023 as follows:

- Councillor D Wilby was thanked for providing a comprehensive update to the Committee on several areas of Children's Services within his Cabinet portfolio.
- Recommendations had also been made by the committee regarding the Levelling Up Fund Grant Award, and it was confirmed these had been tabled under the relevant agenda item at Council.
- With regard to groups and panels it was confirmed the Economic Strategy Task and Finish group's work continued and the Homelessness Evidence Panel's recommendations had now been finalised in consultation with the Portfolio Holder and had been agreed by the Committee.

13. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

It was noted two reports had been circulated to Members regarding the Combined Fire Authority and Armed Forces Champion role, it was confirmed these and a report regarding the Rutland Water Partnership would be attached to the minutes.

14. NOTICES OF MOTION

No notices of motion had been received.

15. TO RESOLVE THAT THE ANNUAL MEETING OF COUNCIL FOR 2023 BE MOVED FROM 15 TO 22 MAY 2023

Councillor L Stephenson, Leader of the Council, moved that the Annual Meeting of Council for 2023 be moved from 15 to 22 May 2023, explaining that the reason for the proposal was the additional May bank holiday now planned to mark the Coronation of HM King Charles III and the need to allow sufficient time for Member Induction before Annual Council.

The motion was seconded and upon being put to the vote, with 19 votes in favour the motion was unanimously carried.

RESOLVED

- a) That the Annual Meeting of Council for 2023 be moved from 15 to 22 May 2023.

16. SECOND HOMES AND EMPTY HOMES - COUNCIL TAX PREMIUM

Report No. 27/2023 was introduced by Councillor K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation. It was explained that the Government's May 2022 Levelling Up and Regeneration Bill proposed further

discretionary Council Tax premium options on empty properties and second homes. With billing authorities encouraged to adopt Council Tax premiums on empty properties and second homes with a view to incentivising property owners to bring those properties back into use.

A motion to approve the recommendations of Report No. 27/2023 was moved by Councillor K Payne and seconded. Upon being put to the vote, with 18 votes in favour and 1 abstention the motion was carried.

RESOLVED

That Council:

- 1) **APPROVED** that the following additional Council Tax premiums be applied from 1 April 2024 (or as soon as legally possible) subject to the required legislation being in place.
 - a) a 100% premium for properties which have been empty and unfurnished for longer than one year (rather than 2 years as currently); and
 - b) a 100% premium for second homes

17. PAY POLICY 2023-2024

Report No. 54/2023 was introduced by Councillor L Stephenson, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships and Economy.

The report set out the 2023-24 annual Pay Policy and a proposed local pay structure for apprentices to council for approval, alongside an update regarding the local Government Pay Award for 2023/24. The proposed approach to apprentices was welcomed and Members were urged to support the proposals.

A motion to approve the recommendations of Report No. 54/204 was moved by Councillor L Stephenson and seconded. Upon being put to the vote, with 19 votes in favour, the motion was unanimously carried.

RESOLVED

That Council:

- 1) **APPROVED** the 2023-2024 annual Pay Policy at Appendix A
- 2) **NOTED** the updated position regarding the Local Government Pay Award for 2023.
- 3) **APPROVED** a local pay structure for Apprenticeships

18. REVIEW OF STRATEGIC OVERVIEW AND SCRUTINY COMMITTEE

Report No. 57/2023 was introduced by Councillor K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation. The report set out the findings of the review of into the effectiveness of the Strategic Overview and Scrutiny. The review had been requested by Council when it agreed to establish a

single Committee in April 2022 and had included a survey open to all Members and the matter had been discussed by the Constitution Commission prior to Council.

During the debate a number of Members expressed concern with the proposal to reduce the number of Members on the Strategic Overview and Scrutiny from 9 to 7, with Members citing the already reduced quantity of Councillors when the model of Scrutiny was changed and the important business coming before the Committee. However, members in support put forward that this was in line with most other Committees and all non-executive Members were able to participate in Scrutiny business whether they were on the Committee or otherwise. Many Members also cited the need for Member engagement in whatever model of Scrutiny the Council had in place.

It was confirmed that a proposed amendment on the establishment of sub-committees was not required as provisions to establish sub-Committees were already included within the constitution.

A motion to approve the recommendations of Report No. 57/2023 was moved by Councillor K Payne and seconded. Given the concerns expressed in the debate regarding the fourth recommendation, the Chairman confirmed he intended to take separate votes on the recommendation and voting was as follows:

With 18 votes in favour and 1 abstention, the first recommendation was carried.

With 18 votes in favour and 1 abstention, the second recommendation was carried.

With 18 votes in favour and 1 against, the third recommendation was carried.

With 9 votes in favour and 10 against, the fourth recommendation was defeated.

RESOLVED

That Council:

- 1) **RECEIVED** and **NOTED** the report on the Strategic Overview and Scrutiny Committee.
- 2) **RECOMMENDED** that the Strategic Overview and Scrutiny Committee develop and implement an improvement plan addressing areas of concern early in the new municipal year.
- 3) **RECOMMENDED** that as part of the 2023 Member Induction, all Councillors regardless of role be mandated to attend relevant training events on the role of Scrutiny and the skills required.
- 4)

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The Chairman adjourned the meeting for a comfort break at 20:14 and reconvened the meeting at 20:20

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19. EXCLUSION OF THE PRESS AND PUBLIC

The Chairman informed Members that as the report and majority of appendices were public documents, his view was that the meeting could remain in a public session. But Members were reminded not to discuss the contents of the exempt appendices unless a motion to exclude the press and public was put forward.

20. RUTLAND AND MELTON LEVELLING UP FUND GRANT

Report No. 58/2023 was introduced by Councillor L Stephenson, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships and Economy. The report sought several approvals from Council to accept the terms and conditions relating to the Levelling Up Fund grant from the Department of Levelling Up, Housing and Communities. This followed a successful joint bid with Melton Borough Council which for the Rutland elements consisted of:

- A Medi-Tech Research and Development Enterprise Centre at Rutland Memorial Hospital
- Digitalisation of Heritage Assets (Sea Dragon and Roman Mosaic)
- Integrated Local Transport – a transport hub ('Mobi-hub') and new demand responsive transport routes connecting Oakham and Melton

It was moved by Councillor L Stephenson that the motion be amended to include an endorsement of the recommendations made by the Strategic Overview and Scrutiny Committee. And it was confirmed the recommendations relating to the debate would be addressed by the relevant Portfolio Holders during the debate.

Upon being put to the vote, with 19 votes in favour the amendment was unanimously carried.

RESOLVED

- 1) That the motion be **AMENDED** to include an additional recommendation "That Council endorses the recommendations made by the Strategic Overview and Scrutiny Committee in relation to the Levelling Up Fund Grant.

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Debate then returned to the substantive motion as amended, a number of Members spoke in support of the proposals, citing that each of the elements of the bid provided a unique opportunity that together with existing Council projects had the potential to provide real economic benefits.

Although some Members acknowledged the risks that were associated with any project of this size, it was felt that the right safeguards were in place and in particular that Cabinet and Council would have the opportunity to approve and consider future stages of progressing the proposals.

Upon being put to the vote, with 19 votes in favour, the motion as amended was unanimously carried.

RESOLVED

That Council:

- 1) **APPROVED** the Memorandum of Understanding for the Rutland and Melton 'Rural Innovation in Place' Levelling Up Funding (LUF) grant from the Department of Levelling Up, Housing and Communities (DLUHC) and **DELEGATED** authority to the Chief Executive and Strategic Director of Resources (section 151 Officer) in consultation with the Portfolio Holder for Policy, Strategy, Partnerships and Economy and Portfolio Holder for Finance, Governance and Performance, Change and Transformation to sign the agreement on behalf of Rutland County Council.
- 2) **APPROVED** that Rutland County Council acts as the grant administrator (Accountable Body) for the Levelling Up Fund capital grant and **DELEGATED** authority to the Strategic Director of Resources (s151 Officer) to manage the Accountable Body function and report to DLUHC in line with its Levelling Up Funds Local Authority Assurance Framework.
- 3) **DELEGATED** authority to the Chief Executive and Strategic Director of Resources in consultation with the Portfolio Holder for Policy, Strategy, Partnerships and Economy and Portfolio Holder for Finance, Governance and Performance, Change and Transformation to finalise and enter into a "Back to Back" agreement between Rutland County Council (as Accountable Body) and Melton Borough Council (as grant recipient) to apportion responsibility for managing, delivering and reporting the requirements of the Levelling Up Fund Memorandum of Understanding and DLUHC Levelling Up Funds Local Authority Assurance Framework.
- 4) **DELEGATED** authority to the Chief Executive and Strategic Director of Resources in consultation with the Portfolio Holder for Policy, Strategy, Partnerships and Economy and Portfolio Holder for Finance, Governance and Performance, Change and Transformation to finalise updated baseline data including project costings, outputs, outcomes and project milestones and submit to DLUHC.
- 5) **DELEGATED** to the Strategic Director of Resources (Section 151 Officer) and Strategic Director of Places the administration and implementation (including project delivery) of the Levelling Up Fund grant requirements and reporting in accordance with the Memorandum of Understanding and DLUHC's monitoring returns DLUHC Levelling Up Funds Local Authority Assurance Framework.
- 6) **NOTED** the governance structure developed in accordance line with the Corporate Project Framework and that decision-making for the LUF programme will be the responsibility of Cabinet.
- 7) **NOTED** that decisions relating to the approval, procurement, and development of specific projects will be taken in accordance with the Constitution and Financial Procedure Rules.
- 8) **NOTED** that a report will be brought to a future meeting of Council to consider the business case for complementary investment in health provision within the County and the use of £1.2m Developer Contributions as identified in the

indicative allocations agreed by Cabinet in December 2022. Subject to approval this investment will provide £1.2 million match funding to contribute to the Rutland element of the Levelling Up Fund proposition.

- 9) **ENDORSED** the recommendations made by the Strategic Overview and Scrutiny Committee in relation to the Levelling Up Fund Grant.

21. ANY URGENT BUSINESS

There was no urgent business for consideration.

22. DATE OF NEXT MEETING

This was noted to now be Annual Council on the amended date of 22 May 2023.

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The Chairman declared the meeting closed at 8.50 pm.

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