



# Rutland County Council

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01 March 2019

## FREEDOM OF INFORMATION REQUEST – 253/19

Dear Sir/Madam

Your request for information has now been considered and the information requested is provided below.

### Request & Response:

At the COUNCIL TAX, meeting on Monday, 25th February, 2019 7.00 pm  
Question from member of the public:

"Tonight you will be considering the FY19/20 Budget in detail. Having attended the excellent Budget Briefing recently, I am aware how taut the Council's Budget is and how much work has gone into its preparation. Bearing in mind the significant opposition from within the Council to the submission of an HIF bid in support of the proposed St George's Barracks Development. Together with the staunch opposition to the scale of the proposed development made by the local Parish Councils through the SGB Advisory Group, the Parish Forum and the Parish Council Liaison Group; and most importantly the concerns of council tax payers of the County, who have expressed their very clear views through the media and indeed in person to the County Council at your last meeting. It is clear that there is a fervent appetite to challenge the County Council every inch of the way, over this development. It is quite clear that there will be legal challenges to your proposals, especially in respect of the proposed changes to the Draft Local Plan Spatial Strategy, consulted upon in August last year, which many consider to be fatally flawed and frankly indefensible and will therefore inevitably be subject to strong legal challenge. Can you please confirm the amount of the financial provision which has been made within the budget to fund such challenges and could you confirm that you consider this an appropriate use of the funds provided by Rutland Council Tax Payers."

The response from Gordon Brown was:

"It would be very disappointing if residents decided to pursue a legal challenge regarding the process around Local Plan and waste both Council Tax payer's money and those of the residents. Clearly the Council has and will take appropriate advice to ensure that are processes are sound and therefore reducing the risk of such challenges. It would be more productive for all concerned that the representatives from the community to spend time working with the Council and the MOD to minimise the impact of the development of this brownfield site rather than help lawyers make more money and put even more pressure on stretched Council resources. I would draw member's attention to Big Page 135 paragraph 8 where this matter has already been addressed, however for the sake of transparency, the Council has included an additional £160k in its 19/20 to cover costs associated with the development of Local Plan, legal costs and examination.



The Council also has a legal budget of c£260k which funds legal advice required pertaining to all Council matters. It also has a further earmarked reserve for legal activities of c£150k which it can draw upon if required alongside over £9 million of General Fund balances. The Council has not put aside any specific amount for legal challenges relating to the Local Plan but as already mentioned, it has significant resources and reserves it can draw upon if needed. It is right and proper that the Council uses its funding to deliver its statutory responsibilities. This can of course include dealing with legal challenges and other matters as part of due process as required by statute”.

My FOI Questions:

1. What advice has been taken by the Council.

Answer:

The Council has taken advice from Morag Ellis Q.C. and Stephanie Hall. The advice will not be disclosed as this carries both Legal advice and litigation privilege further to Section 42 of the Freedom of Information Act. The Council is of the view that the release of the information would not be in the public interest at this stage and in light of the clear threat of litigation.

2. What has been spent to date on legal costs by the Council, regarding the Local Plan in all its iterations.

Answer:

The information in relation to expenditure is published by the Council in its spend amounts that can be found at

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/local-plan-review/>

3. GB states 'the Council has included an additional £160k in its 19/20 to cover costs associated ... ..legal and examination costs', this suggests there is another sum to be drawn upon for legal and examination costs elsewhere. Please advise the sum and it's location.

Answer:

This information is contained within the Council's budget that can be found at

<https://www.rutland.gov.uk/my-council/corporate-governance/transparency-code/>

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Yours faithfully

FOI Administrator  
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