

Rutland County Council

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Minutes of the **MEETING of the GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY COMMITTEE** held via Zoom on Thursday, 10th February, 2022 at 7.00 pm

PRESENT:	Councillor J Fox Councillor M Oxley Councillor N Begy Councillor G Brown Councillor R Powell Councillor L Toseland Councillor G Waller	Chair Vice Chair Representing Councillor M Jones
APOLOGIES	Councillor M Jones Councillor L Stephenson	Deputy Leader and Portfolio Holder for Communities, Environment and Climate Change
PORTFOLIO HOLDERS PRESENT	Councillor O Hemsley Councillor K Payne Councillor I Razzell	Leader and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure Portfolio Holder for Finance, Governance and Performance, Change and Transformation Portfolio Holder for Planning, Highways and Transport
OFFICERS PRESENT:	Penny Sharp Marie Rosenthal Justin Johnson Roger Ranson Mike Slater Jane Narey	Strategic Director of Places Interim Deputy Director Corporate Governance (Monitoring Officer) Service Manager for Development Planning & Housing Policy Manager Interim Head of Sustainable Economy and Place Scrutiny Officer
IN ATTENDANCE	Councillor A Brown Councillor P Ainsley Mr David Baker Mr Ken Edward	County Councillor County Councillor Rutland Quarry Forum Chair, Greetham Parish Council

Councillor Fox welcomed everyone to the meeting. Apologies were received from Councillor L Stephenson and Councillor M Jones. Councillor R Powell attended as the representative of Councillor M Jones.

2 RECORD OF MEETING

The minutes of the meeting held on the 16th September 2021 were approved as an accurate record following the requested amendment.

The minutes of the meeting held on the 18th November 2021 were approved as an accurate record.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 PETITIONS, DEPUTATIONS AND QUESTIONS

Councillor Fox confirmed that two questions had been submitted from members of the public. The questions had been approved by the Chief Executive and the Monitoring Officer following amendments and had been circulated to all Committee members and published on the Council's website.

Councillor Fox reminded attendees of Procedure Rule 28, Item 4, Paragraph j, which stated that 'Every question shall be put and answered without discussion. No discussion nor resolution shall be permitted on any question or in reply to a question'

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Mr David Baker joined the meeting at 19:03

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Mr David Baker on behalf of Rutland Quarry Forum joined the meeting and addressed the Committee with his question regarding the Minerals Authority Contract.

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Mr David Baker left the meeting and Mr Ken Edward joined the meeting at 19:10

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Mr Ken Edward on behalf of Greetham Parish Council joined the meeting and addressed the Committee with his question regarding the Minerals Authority Contract.

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Mr Ken Edward left the meeting at 19:15

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Councillor Fox thanked Mr Baker and Mr Edward for their questions and confirmed that a full written response would be sent to both parties and would be published on the Council's website with the minutes. It was confirmed that the Scrutiny Committee would continue to work in close collaboration with partners and stakeholders to ensure that the voice of Rutland residents was heard in such matters.

Councillor Fox informed attendees that agenda item 14) – Minerals Authority Contract would be taken next for discussion as this was relevant to the questions submitted from the public.

5 MINERALS AUTHORITY CONTRACT

Report No. 34/2022 was received from Penny Sharp, Strategic Director of Places and Roger Ransom, Planning and Housing Policy Manager following the request from Councillors Oxley, Waller and G Brown and the Rutland Quarry Forum for a discussion regarding Rutland County Council's minerals planning service contract. During the discussion, the following points were noted:

- Paragraph 2.7 detailed the structure in place to monitor the contract.
- Paragraph 2.11 detailed the circumstances when the contract could be cancelled but this would only be used as very last resort.
- Contract performance would be thoroughly managed. This had not been done over the past 2 years but sufficient resilience had been built into Rutland County Council to monitor and identify any performance issues.
- Upskilling of staff to improve resilience within the team had been completed by involving officers in site visits, site and operator meetings, additional training courses etc.
- Communication within the team and with partners had also been improved so as to improve the quality of service.
- North Northamptonshire Council (NNC) had previously reported that they did not have the staff or resilience to undertake monitoring of the quarry but they now stated that they did have the staff and resilience. As a result, residents were concerned about the monitoring of the contract and the impact on the localities and Rutland residents.
- It was requested if the SMART objectives regarding the contract could be distributed to the Committee and that monitoring, enforcements and development updates be given to the Scrutiny Committee. It was also proposed that there should be a single point of contact within the Planning Team regarding this contract and that a representative from NNC should attend the meetings of the Rutland Quarry Forum. The Planning and Housing Policy Manager stated that the performance indicators or SMART objectives were detailed in the contract but that NNC had to confirm the release of contract details before any information could be shared and were currently awaiting legal advice.
- It was noted that the NNC Development Control Manager had confirmed to Councillor G Brown that he would be retiring in the near future and it was queried if this fact was known whilst the contract was being commissioned. The Planning and Housing Policy Manager reported that the contract had been commissioned by Welland Procurement on the 6th December 2021 so RCC was not aware of the NNC Development Control Manager retiring. If this had been known at the time, then safety measures would have been included in the contract. However, NNC had confirmed that they had the necessary staff to undertake the contract and meet the identified performance indicators. Should the performance indicators not be met then financial sanctions and ultimately cancellation of the contract had been built into the contract.
- It was proposed that officers from NNC should give an update briefing to this Committee and that Cabinet should review the monitoring arrangements, consider the outcomes to date and evaluate the effectiveness of the contract within the next 6 months.

RESOLVED

That the Scrutiny Committee:

- a) **NOTED** the decision that had been made to award the contract to provide minerals and waste planning advice to the Council.
- b) **COMMENTED** on the arrangements set out in the report as to how the contract would be monitored to achieve the required performance and ensure value for money.
- c) **REQUESTED** that Penny Sharp, Strategic Director of Places circulated the contract including SMART objectives to members of the Growth, Infrastructure and Resources Scrutiny Committee.
- d) **REQUESTED** that Penny Sharp, Strategic Director of Places produced an update report to be presented to the Growth, Infrastructure and Resources Scrutiny Committee within six months.
- e) **RECOMMENDED** that Cabinet considered and evaluated contingency plans should the contract fail.
- f) **RECOMMENDED** a single point of contact within the Planning Team regarding the contract.
- g) **RECOMMENDED** that a representative from NNC should attend the meetings of the Greetham Quarry Forum.

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Marie Rosenthal and Justin Johnson left the meeting at 20:01

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6 QUESTIONS WITH NOTICE FROM MEMBERS

There were no questions with notice from members

7 NOTICES OF MOTION FROM MEMBERS

There were no notices of motion from members

8 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE FOR A DECISION IN RELATION TO CALL IN OF A DECISION

There were no call ins

9 OAKHAM TOWN CENTRE: UPDATE

Councillor Fox informed attendees that Full Council had received a request from a member of the public for an update on Oakham Town Centre. Full Council had requested that the matter be discussed at a meeting of the Growth, Infrastructure and Resources Scrutiny Committee. During the discussion, the following points were noted:

- Work was ongoing with the Highways and the Environment teams in developing Oakham Town Centre including pavements, lampposts, signage etc.
- It was agreed to receive the verbal update from Councillor Fox regarding '4Oakham' as this would better inform for a discussion.

10 4OAKHAM: UPDATE

A verbal update was received from Councillor Fox. During the discussion, the following points were noted:

- '4Oakham' was a project group created and tasked by the Council to develop and maintain Oakham Town Centre following recommendations from the Oakham Town Centre Task and Finish Group.
- The Terms of Reference for the project group were identified and a budget of £2000 was allocated.
- The project group has since reduced in size to 4 people including Councillor Fox and has stalled as a result.
- Additional members were needed preferably Councillors for the Oakham and/or Barleythorpe areas.
- It was agreed that there was a need to develop better lighting, improve pavements, maintain noticeboards, grounds, roads, lampposts and signposts.
- There was a view that Oakham Town Council had not previously invested in any maintenance or development of Oakham Town Centre, which was why the project group had been established in the first place. However, the Town Council was much improved and was more engaged with developing and improving Oakham Town Centre and had recently funded the refurbishment of Victoria Hall.
- Councillor Ainsley confirmed that he would like to volunteer to be a member of the project group.
- It was proposed that '4Oakham' needed relaunching following the pandemic lockdown and needed to identify what money was available for it to use.
- Councillor Hemsley informed attendees that he would be meeting the Mayors of Oakham and Uppingham and would discuss the future of the project group with them including support and representation from Oakham Town Council to identify if the group was still viable.

RESOLVED

That the Scrutiny Committee:

- a) **RECOMMENDED** that Councillor Hemsley meet the Mayors of Oakham and Uppingham for their views on the future of '4Oakham' and then report to Full Council regarding re-establishing or disbanding '4Oakham'.

11 THE INTERIM TRAJECTORY OF DEVELOPMENT & CIL INCOME

A briefing and a presentation were received from Penny Sharp, Strategic Director of Places and Roger Ranson, Planning & Housing Policy Manager. During the discussion, the following points were noted:

- The figures stated in paragraphs 4.2, 5.3 & 5.4 were based on those stated in the rejected Local Plan and that the figure for heritage and arts included the building of village halls and outdoor play areas. However, the figures did need reviewing and updating to obtain a more accurate reflection.
- Councillor Toseland queried which items listed in paragraph 5.3 would require financial input in the short term and what the contingency would be. The Planning & Housing Policy Manager stated that it was not possible to currently say due to the large number of undetermined applications. CIL was being collected but there was no Local Plan to identify or plan a contingency. He stated that the Council needed to be very prudent as to how it should spend CIL money moving forward.

- The Planning & Housing Policy Manager confirmed that that school capacity was a matter for the Children's Services' Pupil Place Planning Board of which he was a member but that he would speak to Children's Services and notify Councillor Toseland regarding secondary school capacity within Rutland.

ACTION: Roger Ranson

12 GROUND MAINTENANCE: UPDATE

A briefing and a presentation were received from Penny Sharp, Strategic Director of Places and Martin Jones, Interim Principal Environmental Services Manager. During the discussion, the following points were noted:

- The existing contract would end on the 31st December 2023, after being extended.
- A report would be submitted to Cabinet on the 15th February 2022 before public consultation began on the 16th February 2022.
- It was suggested that rather than questions, the public take part in a pros and cons or advantages/disadvantages scenario and that Town and Parish Councils be included in the questioning as they were involved in a lot of local ground maintenance.
- The contract tendering process was to find the contract that gave the best value and this was not always the cheapest contract. Comparisons would also be made with neighbouring Local Authority contracts to help obtain the best deal for the county.
- A 'lessons learned' exercise would be undertaken to identify what worked well in previous contract procurements and more importantly what did not.
- Consultation was being undertaken with the parishes but clarification was still needed as to who was responsible for which areas and this would entail detailed and lengthy conversations. Comprehensive data mapping had been completed which identified council land and parish land. Councillor Powell proposed sending this mapping information to Parishes so as to clarify who was responsible for which area of land.
- Councillor G Brown proposed that a recommendation be made to Cabinet about an additional paragraph regarding active involvement of Parish Councils; extra time for Councillors to feed back to Officers on consultation questions and that the data mapping be shared with Parish Councils. He suggested that the Council used [Parish Online](#), which was an online tool for helping Local Councils use digital maps to store and manage assets, produce neighbourhood plans and engage with the public. Councillor Oxley seconded the proposal and it was unanimously approved.

RESOLVED

That the Scrutiny Committee:

- a) **RECOMMENDED** to Cabinet that an additional paragraph be included in the procurement process regarding the active involvement of Parish Councils; that extra time be given to Councillors to feed back to officers on the public consultation questions (timescales tbc) and that the data mapping done by the service area be shared with Parish Councils.

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**The Chair requested an extension of the meeting
The Committee voted to extend the meeting until 22:00 and paused the
meeting at 21:24
The meeting resumed at 21:30**

13 WASTE CONTRACT: UPDATE

A briefing and a presentation were received from Penny Sharp, Strategic Director of Places and Martin Jones, Interim Principal Environmental Services Manager. During the discussion, the following points were noted:

- Results of the public consultation had supported the proposed waste collection option of fortnightly twin-stream recycling, weekly food waste collection and fortnightly residual collection with a reduced bin size.
- The Waste Contract would be discussed at Cabinet on the 8th March 2022. The deadline for the contract to go live was April 2024
- All options were being considered for the lotting so as to find the most cost-effective option that gave the best value for money and that the cost involved to the Council to monitor the contract also needed to be considered.
- It was confirmed that the size of the new waste receptacle would depend on where it was for i.e. house, flat, shop etc as one size did not fit all.
- The cost of educating the public about waste and recycling was included in the contract and would entail engagement with the public throughout the whole life of the contract.

14 LEISURE CONTRACT: UPDATE

A briefing and a presentation were received from Penny Sharp, Strategic Director of Places and Martin Jones, Interim Principal Environmental Services Manager. During the discussion, the following points were noted:

- Cabinet approved the progression of the leisure contract on the 16th November 2021.
- Plans for a new site-neutral wet and dry facility have been commissioned from a firm of professional architects and a cost consultancy firm.
- Further repair to the existing Catmose Pool was not affordable and the pool would not be re-opened.
- Negotiations were being held with Catmose College regarding what the future provision would look like.
- Welland Procurement had begun the soft market testing exercise and results were expected at the end of February 2022.

15 REVIEW OF FORWARD PLAN AND ANNUAL WORK PLAN

There forward plan was discussed. There were no changes.

16 ANY OTHER URGENT BUSINESS

a) CARBON MANAGEMENT CONTROLS: NEW LEGISLATION

Councillor A Brown briefed attendees on proposed new legislation for the country to be carbon neutral by 2050. During the discussion, the following points were noted:

- Large areas of land could be lost to tree planting and other carbon management controls and this could pose a danger to rural farming areas.

- New legislation could provide the Council with powers in relation to carbon management controls on the total amount of certain greenhouse gases that could be emitted by sectors covered by the legislation.
- If legislation did provide such powers, then the Council could seek that:
 - a) Any subsidy directly or indirectly obtained for carbon management affecting the County was retained as carbon credit for the benefit of Rutland's economy and people.
 - b) Any third-party sale or lease of carbon credit outside Rutland could not be activated unless Rutland was carbon neutral and where there was a 10% surplus of credit.
- The Council needed to become more proactive in looking after Rutland's environment so that tomorrow's generation would inherit a cleaner, healthier world.
- It was agreed further investigation and discussion was required before future actions could be decided and it was agreed to defer this item to a later meeting.

b) SCRUTINY COMMITTEE RECOMMENDATIONS TO CABINET

Councillor G Brown proposed that the following recommendations be made to Cabinet following the budget meeting of the Growth, Infrastructure and Resources Committee on the 27th January 2022:

1. Earlier action to deliver the costs for the 2023/24 budget and involvement of members generally to achieve an early consensus.
 2. The removal of the Climate Change Officer in the current budget year, (possibly until a clearer picture of the savings to be achieved for 2023/24 and the implications on the services)
 3. A lead from Cabinet be taken by reducing back to a total of five members and thus demonstrating to our staff that all functions needed to save money over the next year and beyond.
- The recommendations were seconded by Councillor Begy and voting was as follows:
 - a) Voted in favour: Councillors G Brown and Begy
 - b) Voted against: Councillors Oxley, Waller and Fox
 - c) Abstentions: Councillors Toseland and Powell
 - With 3 votes against and 2 in favour, the proposal of the recommendations to Cabinet was defeated.

17 DATE AND PREVIEW OF NEXT MEETING

Thursday, 7 April 2022 at 7pm via Zoom

Proposed Agenda Items

1. Finance Update – Saverio Della Rocca, Strategic Director of Resources
2. Property Asset Review – Penny Sharp, Strategic Director of Places
3. Revised Parking Policy: Update – Councillor I Razzell
4. Carbon Management Controls – Councillor A Browne

SUMMARY OF AGREED ACTIONS

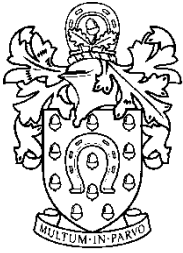
No.	Ref.	Action	By
1	11	The Planning & Housing Policy Manager to speak to Children's Services and notify Councillor Toseland regarding secondary school capacity within Rutland	Roger Ranson

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Chairman closed the meeting at 9.57 pm.

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PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC

MEETING: GROWTH, INFRASTRUCTURE & RESOURCES SCRUTINY COMMITTEE

MEETING DATE: 10th February 2022

No.	Petition, deputation or question	Name of Speaker	On Behalf Of
1	Question	Mr David Baker	Rutland Quarry Forum 40 Great Lane Greetham Rutland

DETAILS

Given the performance of NNC during the previous contract period, how has RCC determined that NNC are now competent to provide, recruit and maintain professionally qualified officers for ensuring correct Mineral Planning Development and Policy advice to allow RCC to effectively discharge their legal obligations? This is particularly so as NNC had extreme difficulty in recruiting professionally qualified personnel to undertake policy, monitoring and enforcement duties between 2018 and December 2021, and it is very unclear what has changed within the past number of weeks so they can now fulfil this requirement.

RESPONSE

The response to the Request for Quotations received from North Northamptonshire Council (NNC) has been assessed against the award criteria, and the contract award has been based on this evaluation taking into account responses to further clarifications.

The award criteria include an assessment of staff competencies. The response from NNC set out that the service would be provided by a core team of very experienced and qualified minerals planning staff consisting of the Head of the Unit with over 20 years' experience, a Development Control Manager with over 35 years' experience, Minerals and Waste Local Plan Project Manager with over 15 years' experience, a Principal Planner and a Senior Planner both with in excess of 10 years' experience.

Through their response to clarification on the vacant post of Development Control Officer, NNC have confirmed that the employment of a part time monitoring officer (under a temporary contract) is being pursued. In addition, they have confirmed that if the current post remains vacant monitoring work for Rutland will be prioritised with existing Officers undertaking this.

**Councillor Ian Razzell
Portfolio Holder for Planning, Highways and Transport**

No.	Petition, deputation or question	Name of Speaker	On Behalf Of
2	Question	Mr Ken Edward	Chair Greetham Parish Council Ivy Farmhouse Great Lane Greetham Rutland
<p>DETAILS</p> <p>Is it proper that RCC should be advised by a contractor who seems unfamiliar with modern day legislation and thereby cause a Parish Council to incur significant legal costs in challenging such poor advice or should RCC be seeking to employ properly qualified and competent planning advisors to ensure RCC complies with its statutory obligations and provides the best possible protection to its residents and environment, whilst enabling developments to be permitted?</p> <p><u>Supplementary Question</u> What makes RCC believe that the situation has changed?</p>			
<p>RESPONSE</p> <p>The award of the contract has followed the Council's contract procedure rules and the evaluation of the one response to the RFQ received, taking account of responses for clarification on this. The experience of the team providing the service to Rutland has been highlighted in the response to the previous question.</p> <p><u>Supplementary Response</u> If the contract failed, then measures and financial penalties had been built into the contract if performance indicators were not met. The Portfolio Holder had every confidence with the Strategic Director and her team to successfully manage, monitor the contract and address any issues should they arise.</p> <p>Councillor Ian Razzell Portfolio Holder for Planning, Highways and Transport</p>			