

# Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP  
Telephone 01572 722577 Email: [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)

Ladies and Gentlemen,

A meeting of the **GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY COMMITTEE** will be held via Zoom - <https://us06web.zoom.us/j/99637927699> on **Thursday, 10th February, 2022** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews  
**Chief Executive**

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at [www.rutland.gov.uk/my-council/have-your-say/](http://www.rutland.gov.uk/my-council/have-your-say/)

## A G E N D A

### 1) WELCOME AND APOLOGIES RECEIVED

### 2) RECORD OF MEETING

To confirm the amended record of the meeting of the Growth, Infrastructure and Resources Scrutiny Committee held on the 16 September 2021 and the record of the meeting held on 18 November 2021.

(Pages 5 - 16)

### 3) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any personal or prejudicial interests they may have and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Act 1992 applies to them.

### 4) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions received from Members of the Public in accordance with the provisions of Procedure Rule 216.

The total time allowed for this item shall be 30 minutes. Petitions, declarations and questions shall be dealt with in the order in which they are received. Questions may also be submitted at short notice by giving a written copy to the Committee Administrator 15 minutes before the start of the meeting.

The total time allowed for questions at short notice is 15 minutes of the total time for 30 minutes. Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

**5) QUESTIONS WITH NOTICE FROM MEMBERS**

To consider any questions with notice from Members received in accordance with the provisions of Procedure rule No. 218 and No. 218A.

**6) NOTICES OF MOTION FROM MEMBERS**

To consider any Notices of Motion from Members submitted in accordance with the provisions of Procedure Rule No. 219.

**7) CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE FOR A DECISION IN RELATION TO CALL IN OF A DECISION**

To consider any matter referred to the Committee for a decision in relation to call in of a decision in accordance with Procedure Rule 206.

**8) OAKHAM TOWN CENTRE: UPDATE**

Discussion regarding the refurbishment of Oakham High Street including the maintenance of noticeboards, grounds, roads, lamp-posts and sign posts.

**9) FOR OAKHAM: UPDATE**

To receive a verbal update report from Councillor J Fox regarding the 'For Oakham' project group.

**10) THE INTERIM TRAJECTORY OF DEVELOPMENT & CIL INCOME**

To receive a briefing and a presentation from Penny Sharp, Strategic Director of Places.

(Pages 17 - 38)

**11) GROUND MAINTENANCE: UPDATE**

To receive a presentation and a verbal update from Penny Sharp, Strategic

Director of Places.  
(Pages 39 - 50)

**12) WASTE CONTRACT: UPDATE**

To receive a presentation and a verbal update from Penny Sharp, Strategic Director of Places and Councillor L Stephenson, Deputy Leader and Portfolio Holder for Communities, Environment and Climate Change.  
(Pages 51 - 64)

**13) LEISURE CONTRACT: UPDATE**

To receive a presentation and a verbal update from Penny Sharp, Strategic Director of Places and Councillor L Stephenson, Deputy Leader and Portfolio Holder for Communities, Environment and Climate Change.  
(Pages 65 - 68)

**14) MINERALS AUTHORITY CONTRACT**

To receive Report No. 34/2022 from Penny Sharp, Strategic Director of Places and Roger Ransom, Planning Policy and Housing Manager following the request from Councillors M Oxley, G Waller and G Brown and the Rutland Quarry Forum for a discussion regarding Rutland County Council's minerals planning service contract.  
(Pages 69 - 76)

**15) REVIEW OF FORWARD PLAN AND ANNUAL WORK PLAN**

To consider the current Forward Plan and identify any relevant items for inclusion in the Growth, Infrastructure and Resources Scrutiny Committee Annual Work Plan, or to request further information.

The Forward Plan is available on the website using the following link:

<https://rutlandcounty.moderngov.co.uk/mgListPlans.aspx?RPId=133&RD=0>  
(Pages 77 - 80)

**16) ANY OTHER URGENT BUSINESS**

To receive any other items of urgent business which have been previously notified to the person presiding.

a) CARBON MANAGEMENT CONTROLS: NEW LEGISLATION

Request from Councillor A Brown to discuss the new legislation that may provide the Council with powers regarding carbon management controls.  
(Pages 81 - 82)

**17) DATE AND PREVIEW OF NEXT MEETING**

Thursday, 7 April 2022 at 7pm via Zoom - <https://us06web.zoom.us/j/934992963>

Items to include:

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

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**DISTRIBUTION**

**MEMBERS OF THE GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY COMMITTEE:**

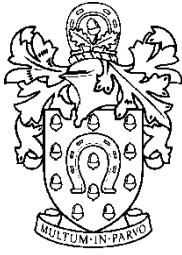
<b>Name</b>	
1.	Councillor J Fox (Chair)
2.	Councillor M Oxley (Vice Chair)
3.	Councillor N Begy
4.	Councillor G Brown
5.	Councillor M Jones
6.	Councillor L Toseland
7.	Councillor G Waller

**PORTFOLIO HOLDERS:**

<b>Name</b>		<b>Title</b>
8.	Councillor O Hemsley	Leader and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure
9.	Councillor L Stephenson	Deputy Leader and Portfolio Holder for Communities, Environment and Climate Change
10.	Councillor K Payne	Portfolio Holder for Finance, Governance and Performance, Change and Transformation
11.	Councillor I Razzell	Portfolio Holder for Planning, Highways and Transport

**OFFICERS:**

<b>Name</b>		<b>Title</b>
12.	Saverio Della Rocca	Strategic Director of Resources S151 Officer
13.	Penny Sharp	Strategic Director of Places
14.	Jane Narey	Scrutiny Officer



# Rutland County Council

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Minutes of the **MEETING of the GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY COMMITTEE** held via Zoom on Thursday, 16th September, 2021 at 7.00 pm

**PRESENT:**

Councillor J Fox (Chair)  
Councillor M Oxley (Vice Chair)  
Councillor P Ainsley  
Councillor N Begy  
Councillor G Brown  
Councillor M Jones  
Councillor G Waller

**PORTFOLIO  
HOLDERS  
PRESENT**

Councillor O Hemsley	Leader and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure
Councillor L Stephenson	Deputy Leader and Portfolio Holder for Communities, Environment and Climate Change
Councillor K Payne	Portfolio Holder for Finance, Governance and Performance, Change and Transformation
Councillor A Walters	Portfolio Holder for Health, Wellbeing and Adult Care

**OFFICERS  
PRESENT:**

Penny Sharp	Strategic Director of Places
Saverio Della Rocca	Strategic Director of Resources and S151 Officer
Robert Clayton	Head of Culture and Registration
Martin Jones	Interim Principal Environmental Services Manager
Jane Narey	Interim Senior Governance Officer

**1 WELCOME AND APOLOGIES RECEIVED**

Councillor Fox welcomed everyone to the meeting. No apologies were received.

**2 RECORD OF MEETING**

The minutes of the meeting held on the 10<sup>th</sup> June 2021 were approved as an accurate record.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest

#### **4 PETITIONS, DEPUTATIONS AND QUESTIONS**

There were no petitions, depositions or questions.

#### **5 QUESTIONS WITH NOTICE FROM MEMBERS**

There were no questions with notice from members

#### **6 NOTICES OF MOTION FROM MEMBERS**

There were no notices of motion from members

#### **7 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE FOR A DECISION IN RELATION TO CALL IN OF A DECISION**

There were no items of call-in

#### **8 LEISURE CONTRACT: BUSINESS CASE**

Report No. 110/2021 was presented by Councillor Walters and Penny Sharp. During the discussion, the following points were noted:

- Councillor Walters informed attendees that a presentation would be shown but if attendees wished to see or discuss financial figures then the meeting would have to be moved into 'exempt' status.
- The Clerk confirmed that no exempt Zoom session had been created for the meeting.
- The Chair stated that the Leisure Contract could not be discussed without members knowing the financial details.
- Penny Sharp reported she was unaware that the Committee had requested information regarding specific costings. She confirmed that the financial details were commercially confidential so specific figures could not be discussed in a public session.
- Councillors Brown and Ainsley asked if the financial details could be emailed to attendees and the agenda item be deferred to later in the meeting.
- It was unanimously agreed that the agenda item be deferred to the end of the meeting.

#### **9 MUNICIPAL WASTE MANAGEMENT AND STREETSCENE STRATEGY 2021-2035**

Report No. 109/2021 was received from Penny Sharp. The report was presented by Councillor Lucy Stephenson. During the discussion, the following points were noted:

- This was the updated strategy following public consultation with 675 Rutland residents and the Future Rutland conversation.
- The waste contract was due to expire and the new contract was planned to not only align with the current financial restraints but also the Environmental Bill, which was due for legislation in 2023.
- The aim of the strategy was to reduce waste and increase recycling within Rutland.
- Councillor Stephenson stated that there was a robust evidence base throughout the new strategy to ensure that it was financially deliverable.

- Penny Sharp confirmed that the Waste Strategy stated the high-level principles and processes that the council wished to follow regarding future waste collection and recycling.
- Councillor Waller requested clarification regarding 'fW' in the report. Penny Sharp informed the committee that it referred to energy from waste.
- Councillor Brown stated that the document did not appear to reflect the current financial situation. He also stated that the report should have included SMART objectives, a clear financial plan, best estimates, required resources and details of the people responsible for the delivery of the strategy.
- Councillor Stephenson reminded Councillor Brown that the Scrutiny Committee had been asked to endorse to Cabinet/Council the vision for future waste management and that every Councillor was fully aware of the Council's financial position.
- Penny Sharp reported that the Environmental Bill had not been approved and that certain services were not detailed within the Bill as 'mandatory', but it was foreseen that in the future these services, such as food waste, would become mandatory services supplied by the local authority.
- The Chair requested that the Scrutiny Committee pre-meets were arranged approximately one week before the actual Scrutiny Committee meeting.
- Councillor Jones stated that a lot of communication and education would be required with residents regarding the strategy but that the Climate Action Group and Parish Council could undertake most of this work.
- Councillor Begy asked what our rural neighbours were doing and Penny Sharp stated that discussions had been held with Melton Borough Council regarding re-procurement, the structure of resources and economies of scale. Conversations had also taken place with Lincolnshire County Council, Leicestershire County Council and Peterborough City Council regarding the potential for the provision of joint services but this was not deemed to be cost effective.
- Councillor Stephenson confirmed that the Committee had received all the project and bid papers but it had not clearly stated that it wanted all the background information that had fed into the strategy.
- Councillor Waller stated that no analysis of data and costs had been included in the report, that some items were out of date and there was no evaluation.

#### **RESOLVED:**

- a) That the Committee would NOT ENDORSE the Waste Strategy document and accompanying action plan.
- b) That the Committee requested Governance to re-arrange the Scrutiny Committee pre-meets to approximately one week before the actual Scrutiny Committee meeting.

## **10 WASTE OPTIONS APPRAISAL**

Report No. 108/2021 was received from Councillor Lucy Stephenson and a presentation was given by Penny Sharp. During the discussion, the following points were noted:

- A copy of the presentation would be distributed with the minutes.
- Penny Sharp stated that the re-procurement deadlines were tight and did not align with the meeting dates of the Scrutiny Committee but that information was shared with Members as and when it was available.

- One of the objectives of the re-procurement was to ensure a 10% cost saving. However, the original contract was procured in 2008 so the costs associated to that contract were over 10 years old.
- Contract would go live on the 1<sup>st</sup> April 2024. This date could not be extended.
- It was expected that the collection of food waste would become mandatory in the future.
- Three main approaches had been investigated:
  1. Option 1 (a, b & c) was the system currently used in Rutland for waste collections whereby the household did not separate the waste and recycling. This option did not meet the minimum legislative requirements.
  2. Option 2 (a, b & c) would require the household to separate the cardboard/paper from the recycling and waste. This would be the most cost-effective option.
  3. Option 3 (a, b & c) would require the household to separate all waste into individual streams e.g. cardboard/paper, glass, plastic, food waste etc. This option would not be operationally feasible and did not meet the cost objective.
- Option 2b was the preferred option for Rutland County Council.
- Households would have two containers; one for cardboard/paper and one for all other recycling, which would be collected on an alternate fortnightly basis. There would also be a weekly food waste collection.
- Glass and plastics would continue to be collected and recycled.
- Green waste would continue to be a separate tendered service.
- Cost details regarding adding the food waste collection on to the contract later were requested by Councillor Begy for comparison.
- Penny Sharp confirmed that Biffa owned the bins so the Council was investigating the most cost-effective options i.e. bins, boxes or bags.
- Councillors Brown and Ainsley asked why there were no details of the cost implications for each of the different options and why the information (including Appendix A and the presentation) had not been shared earlier with the Scrutiny Committee. Councillor Oxley also stated that it would have been beneficial to have seen the presentation before the meeting.
- Penny Sharp reported that information was provided to the Committee as soon as it had been collated and was available for distribution.
- Penny Sharp also stated that she had explained the situation regarding the tight procurement and information deadlines with the Chair and Vice Chair in the agenda setting meeting and that it had been agreed by them that a verbal update in the Scrutiny Committee meeting, would suffice.
- Councillor Waller stated that the main aim of the strategy should be to save money. She also asked if the size of the black bin would be reduced once the food waste collection had been instigated and requested that the separated cardboard/paper be stored in a bin rather than a sack/bag or box.
- Councillor Ainsley thanked Penny Sharp and officers for all the hard work in producing the reports and strategy.
- Councillor Stephenson informed the Committee that as the Portfolio Holder, she had received and read all the relevant information and had, following agreement with the Director, put forward the best option for the Committee to endorse. She also informed attendees that 674 Rutland residents had responded as part of the public consultation and 86.4% of those believed that the strategy would deliver a green, clean and sustainable county.



## 11 CLIMATE ACTION NETWORK GROUP: PROGRESS TO DATE

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

- A climate crisis was declared in January 2021.
- Councillor Stephenson, as Portfolio Holder, established a Members' Climate Action Group.
- First meeting was held at the end of January 2021 and a further seven meetings have been held since then.
- A Climate Summit Meeting was held in May 2021, which included 12 guest speakers covering many topics.
- The summit meeting resulted in the creation of the Climate Action Network Group, which involved representation from 20+ villages and towns.
- Councillor Stephenson also confirmed that all Parishes and Parish Councils were given regular climate update briefings.
- Councillor Burrows had managed to secure funding from the National Lottery for the creation of the webpage [rutlandclimateaction.org](http://rutlandclimateaction.org), which would go live on the 17<sup>th</sup> September 2021.
- A Community Action Plan had also been drafted.
- The Great Big Green Week would run from the 18<sup>th</sup> to the 26<sup>th</sup> September 2021 and would entail thousands of events to celebrate how communities were taking action to tackle climate change with the aim of raising awareness.
- 11 action points from the Biodiversity Task and Finish Group had also been viewed and included where appropriate into the Community Action Plan.
- The Sustainable Land Trust would run two pilot schemes with Parishes to review how community data was collected.
- Councillor Stephenson confirmed that the Rutland Climate Action website would contain full details regarding each village's involvement.
- Councillor Oxley requested that the Biodiversity Task and Finish Group be re-convened for a final meeting so that Councillor Stephenson could report in full. The proposal was seconded by Councillor Fox.

### RESOLVED:

- a) That the Committee requested Governance to convene a final meeting of the Biodiversity Task and Finish Group.

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Councillor Fox proposed that the Leisure Contract be deferred to the Special Growth, Infrastructure and Resources Scrutiny Committee meeting on the 7<sup>th</sup> October 2021 at 7.00 p.m. and this was agreed by the Committee, Penny Sharp and the Portfolio Holder.

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## 12 PARKING STRATEGY: UPDATE

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

- Written headlines from Councillor Stephenson were distributed to attendees – copy attached.

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Councillor Waller proposed an extension until 22:00, this was seconded by Councillor Oxley and was unanimously agreed at 21:27

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- Councillor Waller requested that parking hotspots be listed e.g. outside schools etc. and areas where there were no pavements.
- Councillor Oxley asked if an update about the need for resident parking permits would be carried out. Councillor Stephenson confirmed that she would check with the Parking Manager.
- Councillor Stephenson reported that the draft parking strategy would be discussed at Cabinet in December and it was agreed that the draft strategy should be presented to the Scrutiny Committee prior to the Cabinet meeting.

**RESOLVED:**

- a) That the Committee requested Governance to update the work plan to include the draft parking strategy for discussion at the Growth, Infrastructure and Resources Scrutiny Committee meeting on the 18<sup>th</sup> November 2021.

**13 REVIEW OF FORWARD PLAN AND ANNUAL WORK PLAN**

Councillor Waller requested that a final report and recommendations from the Biodiversity Task and Finish Group be added to the agenda for the November meeting.

**14 ANY OTHER URGENT BUSINESS**

There was no urgent business

**15 DATE AND PREVIEW OF NEXT MEETING**

**7 October 2021 at 7.00 p.m. via Zoom**

Special Agenda

- Leisure Contract – Business Case

**18 November 2021 at 7.00 p.m.**

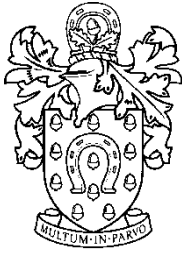
Agenda

- Finance Update
- Developer Contributions: Analysis of S106 and CIL money
- Biodiversity Network: national and regional assessment framework
- Revised Parking Policy: draft
- Biodiversity Task and Finish Group: final report and recommendations

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Chairman closed the meeting at 9.35 pm.

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Catmose Oakham Rutland LE15 6HP

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Minutes of the **MEETING of the GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY COMMITTEE** held via Zoom on Thursday, 18th November, 2021 at 7.00 pm

<b>PRESENT:</b>	Councillor J Fox (Chair) Councillor M Oxley (Vice Chair) Councillor P Ainsley Councillor N Begy Councillor G Brown Councillor G Waller	
<b>ABSENT</b>	Councillor M Jones	
<b>PORTFOLIO HOLDERS PRESENT</b>	Councillor O Hemsley Councillor L Stephenson Councillor K Payne	Leader and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure Deputy Leader and Portfolio Holder for Communities, Environment and Climate Change Portfolio Holder for Finance, Quality, Governance and Performance
<b>OFFICERS PRESENT:</b>	Saverio Della Rocca Penny Sharp Jane Narey Andrew Merry	Strategic Director Resources S151 Officer Strategic Director of Places Scrutiny Officer Finance Manager
<b>IN ATTENDANCE:</b>	Councillor R Powell	

## **1 WELCOME AND APOLOGIES RECEIVED**

Councillor Fox welcomed everyone to the meeting. No apologies were received but the Clerk confirmed that Councillor Jones was not in attendance.

## **2 RECORD OF MEETING**

Councillor J Fox confirmed that there were two sets of minutes for the committee to approve. The first was for the Scrutiny Committee meeting held on the 16<sup>th</sup> September and the second was for the Special Scrutiny Committee meeting held on the 7<sup>th</sup> October. The latter comprised of public and private minutes due to the exempt information discussed in the meeting.

Councillor Waller requested a change to the minutes from the meeting held on the 16<sup>th</sup> September. She requested that the penultimate bullet point under agenda item 8 be changed as it was incorrect. The Clerk confirmed that the minutes would be amended and brought back to the next meeting for Committee approval.

The minutes of the meeting held on the 7<sup>th</sup> October 2021 were approved as an accurate record.

### **3 DECLARATIONS OF INTEREST**

There were no declarations of interest

### **4 PETITIONS, DEPUTATIONS AND QUESTIONS**

There were no petitions, deputations or questions

### **5 QUESTIONS WITH NOTICE FROM MEMBERS**

There were no questions with notice from members

### **6 NOTICES OF MOTION FROM MEMBERS**

There were no notices of motion from members

### **7 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE FOR A DECISION IN RELATION TO CALL IN OF A DECISION**

There were no items of call-in

### **8 MID-YEAR REVENUE FINANCE UPDATE**

Report No. 146/2021 was received from Councillor K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation. During the discussion, the following points were noted:

- Councillors thanked Saverio Della Rocca, Strategic Director for Resources, Andrew Merry, Finance Manager and the finance team for all their hard work in producing all the clear, financial reports received for discussion.
- The budget gap was previously identified as £2.7m. Following a lot of hard work, this had been reduced to an estimated £250k. A lot less than had been previously forecast.
- Councillor Waller asked if this year's success in cost cutting could be replicated in the years to come as budgets continued to be cut. Councillor Payne stated that future budget savings could not be promised but that Council would continue to work hard to identify cost savings. However, there would be hard decisions to be made in the future.
- Councillor Ainsley enquired if discussions had been held externally with other Local Authorities regarding cost savings. Councillor Payne confirmed that the Council discussed options with other Councils all the time. Councillor Payne also confirmed that she was in discussions with the Chief Executive and the Leader regarding working with other Unitary authorities to discuss ideas and joint working.

- Councillor Ainsley enquired about Jules House. Councillor Payne confirmed that a property asset review was being undertaken. The report would be due in late January 2022 and this would identify any proposals for the use of Jules House.
- Councillor Payne informed the committee that all Portfolio Holders were committed to reducing current costs and costs in the future.
- Councillor Oxley enquired about projects, community allocations and the sharing of costs. Councillor Hemsley confirmed that he was in discussion with Uppingham Town Council regarding the funding of the toilets in Uppingham but was awaiting the results of the property asset review before making any decisions.
- Councillor Brown queried the 9% increase in residual waste tonnage in 2021/22, the 72% increase in wood non-domestic waste and the extra £160k in costs (page 26). Penny Sharp, Strategic Director – Places reported that the waste increases were related to the Covid lockdown as people had stayed at home with increased DIY and online shopping.
- Councillor Brown also queried what discussions had been held with central government regarding funding. Councillor Payne confirmed that a meeting would be arranged with Neil O'Brien MP for Harborough and the Parliamentary Under Secretary of State at the Department for Levelling Up, Housing and Communities to discuss funding.
- Councillor Hemsley informed attendees that discussions had been held with the Unitary Councils Network regarding raising the profile of small and unitary councils and that he had also attended the Rural Services Network AGM. Councillor Payne confirmed that she would produce a plan of all work/discussion to be undertaken regarding funding.

## **RESOLVED**

That the Committee:

- a) **NOTED** the revenue forecast at the end of September per para 3.3
- b) **NOTED** the changes to the approved budget as per para 3.1 and Appendix A
- c) **NOTED** that the projected deficit for 22/23 was estimated to be £580k which was less than the £1m target set by Council in February 2021
- d) **NOTED** that the revenue budget outlook beyond 22/23 remained challenging with the financial gap estimated between £1.7 - £2.8m.

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Councillor Stephenson left the meeting at 7.40 p.m.

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## **9 MID-YEAR CAPITAL PROGRAMME UPDATE**

Report No. 147/2021 was received from Councillor K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation. During the discussion, the following points were noted:

- Councillor Payne confirmed that the capital budget stood at £28.291 billion with a £10.3m underspend.
- The underspend related to investment projects that would be funded from borrowing so this allocation could not be redistributed.
- Projects were extensively managed and only two projects out of the current sixty-three were running over budget. These were the Brightways Move and the

Changing Places at Active Rutland Hub, with a total overspend of £10.7k. Funding for the overspend had been found and had been approved by Council.

- Councillor Oxley referred to Item 3.6 (page 90) regarding Oakham Town Centre and that the project and money (£85k) were on hold until further notice. Councillor Payne confirmed that no requests for funding had been received and Saverio Della Rocca reported that 'For Oakham' [an independent group] had been established by the Council to look at possible projects but no business cases had been received from them. Councillor Fox reported that she would inform 'For Oakham' of the available funding and it was agreed that Councillor Fox would arrange for an update report from For Oakham to be presented at the next GIR Scrutiny meeting regarding possible projects.
- Councillor Waller stated that the overspend on the two projects should have been foreseen.
- Saverio Della Rocca confirmed that the £85k was not s106 money but highways maintenance money and would be re-allocated back to the highways maintenance budget if not spent.
- Councillor Ainsley enquired if the £85k could be spent repairing the footpaths in Oakham High Street.

## **RESOLVED**

That the Committee:

- a) **NOTED** the capital 2021/22 forecast as at the end of September (paragraph 3.3).
- b) **NOTED** the changes to the 2021/22 capital programme as at the end of September (paragraph 3.2)
- c) **NOTED** the 2021/22 unallocated capital funding as at the end of September (Section 4)
- d) **NOTED** that Cabinet/Council had approved the total of £10.7k revenue contribution to capital for the works relating to the Brightways move and the Changing Place project at Active Rutland Hub (Paragraphs 3.5.22 to 3.5.27)
- e) **AGREED** that Councillor Fox would arrange for an update report from For Oakham to be presented at the next GIR Scrutiny meeting regarding funding for possible projects.

## **10 DEVELOPER CONTRIBUTIONS**

Report No. 148/2021 was presented by Penny Sharp, Strategic Director – Places. During the discussion, the following points were noted:

- Penny Sharp gave apologies from Councillor Razzell, who could not attend the meeting.
- The report addressed infrastructure costings across the Council.
- The rejection of the Local Plan had resulted in the need to review the Council's infrastructure priorities and develop a new infrastructure delivery plan.
- Councillor Oxley stated that point 4.9 in Appendix 1 showed the need for Oakham to have a neighbourhood plan. Councillor Hemsley confirmed that a neighbourhood plan for Oakham had been discussed by Cabinet and Penny Sharp informed attendees that the withdrawal of the Local Plan had resulted in the neighbourhood plan for Oakham and Barleythorpe to be paused by the Planning Inspector.
- Penny Sharp also confirmed that the Oakham Hopper had been previously funded by financial savings but future funding of the service would be discussed with Oakham Town Council.

- Councillor Waller queried the phrase ‘placemaking benefits’ as stated in box 6 on the flow chart in Appendix 1 (page 123) and Penny Sharp confirmed that it meant all of the infrastructure services required e.g.GP surgeries, schools, waste collection etc.
- Councillor Brown noted that a report was being prepared on the ‘interim trajectory of development and CIL income’ as stated in item 2.23 (page 99) and queried the timescale for this report and if it would be circulated to the Growth, Infrastructure and Resources Scrutiny Committee. He also queried what would happen if the report identified any actions to be taken. Penny Sharp stated that the report was expected at the end of January 2022 and yes, it would be circulated to Scrutiny as per the normal governance process and that any actions would be referred to Cabinet.
- Penny Sharp also stated that no s106 money had been allocated in 2021 unless it had been necessary.
- Councillor Powell queried if good examples and case studies of the use of s106 could be advertised on the Council’s website.
- Penny Sharp confirmed that such things as electric charging points and cycle routes could be funded by CIL money.

**RESOLVED**

That the Committee:

- a) **NOTED** the report
- b) **COMMENTED** on the draft Infrastructure Funding Statement as set out in Appendix 1 of the report.

**11 BIODIVERSITY TASK AND FINISH GROUP: FINAL REPORT**

Report No. 145/2021 was received from Councillor June Fox, Chair of the Biodiversity Task and Finish Group. During the discussion, the following points were noted:

---oOo---

Councillor Stephenson re-joined the meeting at 8.33 p.m.

---oOo---

- Councillor Stephenson confirmed that the recommendations from the report had been included into the Community Action Plan and that they would be included in overarching environmental strategy for the county.
- Councillor Waller requested that the advisory group for the local plan included the planning related recommendations into the local plan and Penny Sharp confirmed this.
- Councillor Stephenson confirmed that the report had been annotated and highlighted where each action would sit.
- Councillor Stephenson confirmed she would include the recommendations and actions from the Task and Finish Group into the Community Action Plan and that implementation plans at a local level would be sent presently.

**RESOLVED**

That the Committee:

- a) **CONSIDERED** and commented on the work of the Biodiversity Task and Finish Group and the proposals for a Biodiversity Strategy as appended to the report (Appendix A)
- b) **RECOMMENDED** the findings of the Biodiversity Task and Finish Group report to Cabinet.
- c) **AGREED** that the Biodiversity Task and Finish Group was formerly closed and that Councillor Stephenson would produce a one-page report for final approval of the recommendations by Cabinet.

## 12 REVIEW OF FORWARD PLAN AND ANNUAL WORK PLAN

It was agreed that the following items should be added to the work plan:

- a) For Oakham: Update Report
- b) The Interim Trajectory of Development and CIL Income
- c) Property Asset Review
- d) Grounds Maintenance: Update
- e) Waste & Leisure Contracts

## 13 ANY OTHER URGENT BUSINESS

None

## 14 DATE AND PREVIEW OF NEXT MEETING

Thursday, 27th January 2022 at 7 p.m.

This would be a statutory meeting to scrutinize the budget.

---oOo---  
Chairman closed the meeting at 8.54 pm.  
---oOo---





**Growth, Infrastructure and Resources  
Scrutiny Committee  
10<sup>th</sup> February 2022**

**Briefing Note on progress with interim  
assessment of the trajectory of future  
development, potential CIL income and  
impact on infrastructure**



**Rutland**  
County Council

**January 2022**

## 1. Introduction

1.1 The purpose of this report is to provide an update to the Scrutiny Committee on ongoing work to review the likely trajectory of future development, potential CIL income and impact on infrastructure.

## 2. Background

2.1 The resolution to withdraw the Rutland Local Plan 2018 – 2036 in September 2021 has resulted in the Council being unable to demonstrate a 5 year supply of housing. Until further allocations are made through the Local Plan Review, in the interim period prior to adoption of the new Local Plan, speculative development on unallocated sites could come forward for development across the County.

2.2 In absence of having a plan in place, development coming forward on a piecemeal basis will be assessed on a case-by-case basis through individual planning applications at different times submitted and assessed by the Development Management Team and Planning Committee, without the oversight and evidence of strategic plan making to ensure that growth and development is supported by the necessary infrastructure.

2.3 This makes it more difficult for the Council to plan services as well as being able to assess income generated through the Community Infrastructure Levy (CIL), determine the potential impact of emerging development on infrastructure and thereby plan for the effective use of CIL income received by the Council.

## 3. Potential short term trajectory of development pending the adoption of a new Local Plan

3.1 The new Local Plan is not anticipated to be adopted until 2025, and so the assessment of development projected to come forward is focused on an interim period between 2021 – 2026. Development and sites that come forward during this period will be brought forward by developers. However, the evidence which underpinned the withdrawn Local Plan and knowledge within the planning policy team of potential sites that may come forward has been used to make assumptions to identify what sites may be developed over this period and to assess the potential infrastructure impacts of this unplanned growth and potential CIL revenue.

3.2 The following studies and evidence have been reviewed:

- Strategic Housing and Employment Land Availability Study (SHLAA) 2019.
- Planning Policy Internal 5 year housing land supply assessment September 2021 which includes the proposed allocations in the withdrawn Local Plan 2018—2036.
- Landowner response forms March 2021 submitted to Planning Policy as part of the 5YHLS update.
- Development Management pre application discussions and pending applications that Officers are aware are coming forward.
- Infrastructure Delivery Plan (IDP) 2019.

3.3 The level of growth within the assessment is based on sites which may come forward and are a reasonable estimate based on a number of appropriate assumptions. ***The inclusion of sites with the***

***CIL trajectory assessment holds no planning weight and does not mean that these sites will be successful in gaining planning permission.*** A total of 41 sites have been identified for potential development in this period.

**4. Trajectory of potential CIL income**

4.1 A very optimistic rate of development for these sites is indicated in Table 1 below. The table below assessed uses an indicative revenue of £15,300 per dwelling (2021 CIL rate) and an average assumed dwelling size:

	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4 2024/25	Year 5 2025/26	Total potential yield
Projected housing figures of unplanned sites	0	43	233	358	369	1003
Large Sites with Planning Permission (not allocated in the submitted Local Plan and CIL)	12	12	0	0	0	24
Small Sites with Planning Permission (with lapse rate applied of 10 dwellings per annum)	23	55	0	0	0	78
<b>Total dwellings</b>	<b>35</b>	<b>110</b>	<b>233</b>	<b>358</b>	<b>369</b>	<b>1105</b>
CIL Liab discount (35% AH)	22.75	71.5	151.45	232.7	239.85	1183
Additional discount for Neighbourhood Plan Areas & Admin	15.925	50.05	106.015	162.89	167.895	828.1
<b>Estimated CIL annual income to RCC</b>	<b>£ 243,652.50</b>	<b>£ 765,765.00</b>	<b>£ 1,622,029.50</b>	<b>£ 2,492,217.00</b>	<b>£ 2,568,793.50</b>	<b>£ 12,669,930.00</b>

**Table 1 Indicative CIL revenue potential 2021 – 2026 Very optimistic scenario**

n.b. A discount has also been included to account for a lapse rate and affordable dwellings which will not be CIL liable based on existing Core Strategy Policy.

4.2 The expected rate of completions from years 3 onwards is very high and so rates of completions in these years have been capped at 200 per annum as the likely maximum development to be achieved. A revised table based on this cap is set out below, still using an indicative revenue of £15,300 per dwelling (2021 CIL rate):

	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4 2024/25	Year 5 2025/26	Total potential yield
Projected housing figures of unplanned sites	0	10	200	200	200	610
Large Sites with Planning Permission (not allocated in the submitted Local Plan and CIL)	12	12	0	0	0	24
Small Sites with Planning Permission (with lapse rate applied of 10 dwellings per annum)	23	55	0	0	0	78
Total dwellings	35	77	200	200	200	712
CIL Liable discount (35% AH)	23	50	130	130	130	463
Additional discount for Neighbourhood Plan Areas & Admin	16	35	91	91	91	324
<b>Estimated CIL annual income to RCC</b>	<b>£ 244,800</b>	<b>£ 535,500</b>	<b>£ 1,392,300</b>	<b>£ 1,392,300</b>	<b>£ 1,392,300</b>	<b>£ 4,957,200</b>

**Table 2 Indicative CIL revenue potential 2021 – 2026 less optimistic scenario**

4.3 For both tables, a further 30 per cent discount has been applied as neighbourhoods without a neighbourhood plan but where the CIL is charged will receive a 15 per cent share of the revenue from development in their area, but this will be capped at £100 (indexed) per council tax dwelling per year. Areas with adopted neighbourhood plans will receive a 25 per cent share of the revenue from development in their area. The Council also applies a 5 per cent admin charge.

4.4 The figures are an estimated projection of CIL income based on the number of dwellings which could be completed and a number of caveats should be taken into consideration as to exactly when payments could be received as follows:

1. Potential sites may come forward through either an outline permission or full. Whilst an average lead in time of 2 years is used within the 5 year housing supply calculation, CIL payment times lag beyond the start date on sites.
2. CIL payments are not paid on the completion of each dwelling. Each planning permission has an instalment agreement in which the first instalment of CIL (10%) should always be paid 60 days following the commencement of the development. Then depending on the size of the development it is broken down into further instalments based on the number of days from commencement.

## **5. Infrastructure considerations**

5.1 Infrastructure considerations are based on the IDP prepared for the submitted and now withdrawn Local Plan. The Infrastructure Delivery Plan 2019 reviewed and assessed almost all of the suitable sites identified within the SHELAA 2019 and identified on a site by site basis costs for transport improvements, local play space requirements and where possible community hall/sports improvements within Oakham and some villages.

5.2 In terms of site specific costs there is an identified £2,031,000 of transport improvements (to be agreed via Section 278) which are identified as needed to bring the potential sites assessed forward and will be paid for by developers.

5.3 In terms of county wide costs in the short term (up to 2025) there are an identified **£20,371,500** infrastructure costs identified; however there are a number of infrastructure requirements which are known to be required to support growth which have not been costed. Overall the £20,371,500 is likely to increase. Costs which are not yet considered for within this total listed are below:

- School transport costs of £8.5 million are identified over the longer term to 2040, costs are not apportioned to shorter timeframes.
- No costs are identified for public transport or bus improvements.
- Parking costs improvements are not identified by costs or project.
- Electricity and HV improvements at Empingham and Ketton are not costed.
- There is currently limited capacity in Secondary schools, further assessment is required.
- A countywide cost of £1.4 million is identified for open space and recreation, however this is not disaggregated in terms of projects or timeframes. Site specific costs identify that there is a need for a new park or amenity green space provision improvements in Cottesmore, Empingham, Greetham, Geeston, Market Overton.
- Allotment provision in Cottesmore, Edith Weston, Empingham, Greetham. Ketton, Market Overton and Oakham.

5.4 The £20,371,500 is estimated to be required for the following infrastructure in the next 5 years:

- Transport an estimated £100,000 in short term bus improvements.
- Primary and Secondary Education requires an estimated £4.4 million investment.
- Health Facilities requires an estimated £640,000.
- An estimated £12 million to support Community facilities, Leisure and Recreation.
- An estimated £2.9 million to support Heritage and Art facilities
- Broadband connectivity improvements estimated at £2.9 million.

5.5 These costs are in the process of being moderated and checked against the interim growth assumptions by infrastructure providers. Following the sense check of costs and confirmation of requirements further prioritisation will be required by the Council to inform how CIL revenue will be allocated in future given the anticipated funding gap.

## 6. Initial considerations and conclusions

6.1 Table 1 sets out the potential CIL revenue which could be generated by potential sites coming forward which amounts to **£12,669,930** however as a minimum there are identified infrastructure projects within the interim period of **£20,371,500** and a clear shortfall of potential CIL income. This is based on a very optimistic scenario for rates of development. Table 2 sets out a still optimistic rate of development which shows potential CIL revenue of **£4,957,200**.

6.2 As stated above, work is ongoing to update this trajectory. costs are in the process of being moderated and checked against the interim growth assumptions by infrastructure providers. Following the sense check of costs and confirmation of requirements further prioritisation will be required by the Council to inform how CIL revenue will be allocated in future given the anticipated funding gap.

6.3 Clearly, lower rates of development and growth will have less impact on infrastructure. The model created here can be adjusted to fit differing rates of development and revised infrastructure impacts and costs.

6.4 There is an overriding message that CIL revenue will not cover all infrastructure impacts arising from development and growth, requiring the Council to be prudent in determining priorities for CIL expenditure.

6.5 The report on the Infrastructure Funding Statement approved by Cabinet in December 2021 recognised that given the decision made to withdraw the Local Plan, there was an imperative for the County Council to determine priorities and governance for determining the strategic element of CIL expenditure in the interim period pending the adoption of a new Local Plan.

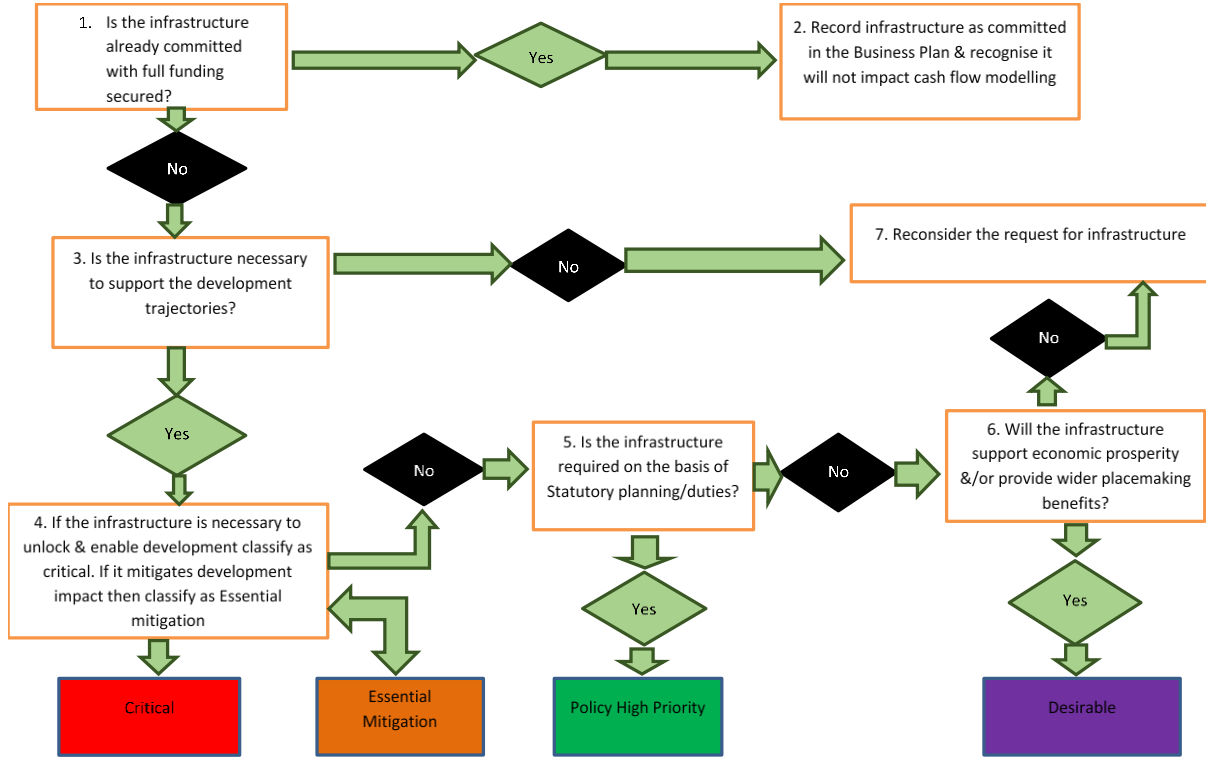
6.6 A flow chart for the interim prioritisation of strategic CIL expenditure by the County Council was set out in the appendix to the 2020/21 IFS approved by Cabinet (set out below). This was based on good practice from other local authorities and will enable any spending to be focused on key infrastructure needs that will support identified growth in the interim period until the adoption of a new Local Plan.

6.7 Cabinet therefore approved this approach as the basis for decision making on Community Infrastructure Levy pending the adoption of a new Local Plan for Rutland. Initially, it is proposed that expenditure is focused on critical infrastructure that is necessary to unlock and enable development or is considered essential to mitigate the impact of development.

6.8 Given the interim findings above, this is likely to remain the case for sometime to come, pending the production of the new Local Plan.

**Appendix A – extract from Infrastructure Funding Statement**

Interim prioritisation of strategic CIL expenditure



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<sup>25</sup> Rutland County Council

**Growth, Infrastructure and Resources  
Scrutiny Committee  
10th February 2022**

**Interim briefing note on CIL trajectory**

## Local Plan Situation

- **Council decision in Sept 2020 to withdraw the submitted Local Plan**
- **Decision made to commence on a new plan, with budget allocated for this, in accordance with national planning policy and guidance**

## Local Plan Timetable

- **Issues and Options consultation - May 2022**
- **Preferred Options consultation Summer 2023**
- **Reg 19 consultation - Spring 2024**
- **Submission - Spring/Summer 2024**
- **Examination - Autumn/Winter 2024/25**

## Implications of Local Plan Withdrawal

- **More difficult for the Council to plan services as well as being able to assess income generated through the Community Infrastructure Levy (CIL)**
- **Creates a challenge to determine the potential impact of emerging development on infrastructure and thereby plan for the effective use of CIL income received by the Council.**

## 5 year Trajectory for Housing Development

- **“Educated guess” looking at potential sites and available evidence**
- **41 sites considered as having potential for development in interim period**
- **Assessment holds no planning weight and does not mean that these sites will be successful in gaining planning permission**

## **Very optimistic development scenario**

- **Just over 1,100 dwellings could be built up to 2025/26**
- **Assuming average house size, CIL revenue generated to RCC would be approx. £12.6 million - “strategic part of CIL revenue”**

## — Still optimistic development scenario

- **Just over 700 dwellings could be built up to 2025/26**
- **Assuming average house size, CIL revenue generated to RCC would be approx. £5 million - “strategic part of CIL revenue”**

## Impact on Infrastructure

- **Costs based on withdrawn Local Plan IDP, so need updating**
- **Very optimistic development scenario generates a total of about £20.4 million, not including all possibilities**
- **... so, a clear shortfall of CIL revenue against all potential infrastructure impacts**

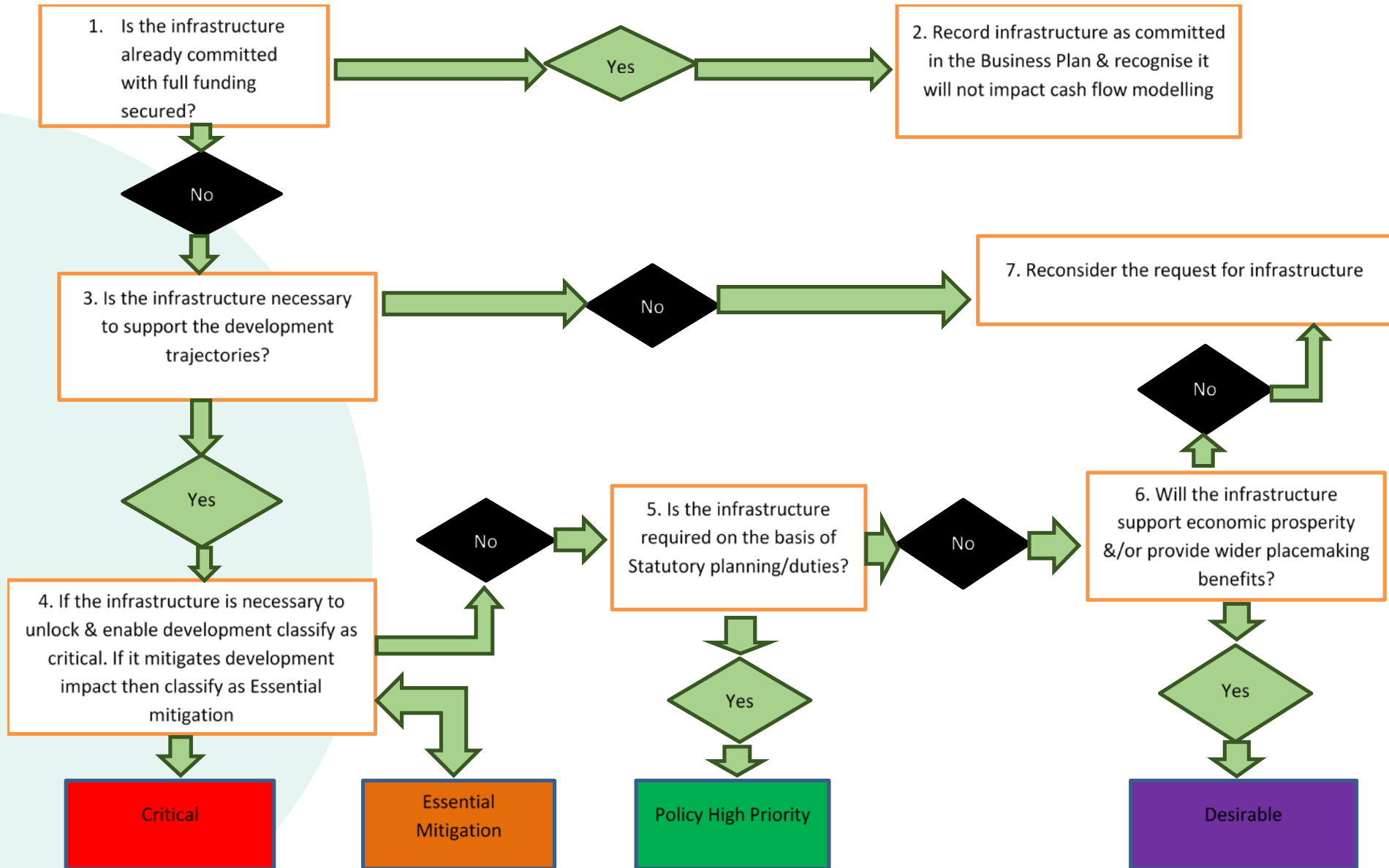


## Interim conclusions

- **Clear message that CIL revenue will not cover all infrastructure impacts arising from development and growth, requiring the Council to be prudent in determining priorities for CIL expenditure.**

## Interim conclusions

- **Cabinet, in approving the Infrastructure Funding Statement in December 2021, determined that expenditure in the interim period pending the adoption of a Local Plan, is focused on critical infrastructure that is necessary to unlock and enable development or is considered essential to mitigate the impact of development**



## Next Steps

- **Refine development schedule and trajectory**
- **Refine and update infrastructure costs**
- **Apply prioritisation assessment to infrastructure impacts**

**Any questions?**



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<sup>39</sup>Rutland County Council  
**Grounds Maintenance and  
Forestry procurement**

# Why Decision is required now

- Existing grounds maintenance and forestry contracts are ending having been extended to December 31<sup>st</sup> 2023.
- Procurement process timeline to adhere to ensuring we are ready for 1<sup>st</sup> January 2024 mobilisation.
- Allow good time to engage with town and parish councils to shape the specification and approach
- Compliance with requirements of Environment Act (avoiding additional costs of making major service change mid contract and exploration of opportunities presented by Biodiversity Net Gain).
- To avoid mobilising at the same time as the waste management contract.
- Avoid paying higher rates to add additional services later (verge cutting) by correcting errors in existing specification.



# Current Grounds Maintenance Contract

- Council entered into existing contract with Harborough District Council in conjunction with FCC on 1<sup>st</sup> April 2019 to provide all grounds maintenance services on behalf of RCC with the extended contract now expiring on 31<sup>st</sup> December 2023.
- Original re-procurement of services had to be suspended due to Covid .
- Whilst it is intended that the arrangements will deal with the current assets in scope, consideration will also be given as to whether it is beneficial to bring in additional areas that currently sit outside the existing arrangements.
- Devolution of maintenance of specified areas to Parishes will be considered as available options in the specification.

# Current Forestry Contract

- Councils existing forestry contract with George Walker will be expiring on 31<sup>st</sup> December 2023.
- Original re-procurement of services had to be suspended due to Covid .
- George Walkers provide both a scheduled and an ad-hoc specialist service.

# Environment Act

- The Bill was introduced to the House of Commons in January 2020.
- Royal Assent was received in November 2021. Legislation is expected to be in statute from 2023.
- Further clarity is still to be provided by Government on Biodiversity Net Gain and the opportunities as well as additional responsibilities this may present to local authorities.

# Contract procurement considerations

- Current services are via separate grounds maintenance and forestry contracts.
- Consideration now being given to an appropriate lot strategy to combine both services in one contract.
- Alternatively, two separate contracts may be sought via the procurement process.
- The current grounds maintenance contract annual spend is £450k
- The current forestry contract annual spend is £115k
- Specification structured to encourage local suppliers to bid (potentially as a consortium)

# Procurement Process & Timeline

## Pre-procurement Stage:

- Began in October 2020.
- We are currently at stage 7 of the pre-procurement process
- Now at the important stage of seeking approval to procure and developing specifications following public consultations.
- Currently on schedule with the next milestones to take us to Procurement .

## Procurement Stage:

- We will then move to the Procurement stage requiring us to undertake the Tender Process and award of contract by June 2023.
- This will then be followed by a de-mobilisation of the old contract and mobilisation of the new between October and December 2023.
- We go live with the new Contract 1<sup>st</sup> January 2024.

# Procurement Process and Timeline

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# Current Position Summary

- No Contract Extension beyond 31st December 2023.
- Procurement process requires going out to tender by December 2022.
- Recommendations align with public expectations (consultation) and the requirements of the Environment Act.

# Risks

## Waiting for further clarification on Environment Bill:

- Delays to Procurement process will impact on quality of process and incur additional costs.

## Doing Nothing:

- No option to extend current contract
- Opting for a shorter contract (1 or 2 year) to allow further time will come with a much higher cost and will also require additional cost of another procurement process.



# Consultation Key Questions subjects

We intend to go out to a public consultation to ascertain perception on the topics below:

- Safety
- Bio-diversity net gain
- Cost
- Devolution to parishes
- VS or comparison

How would you like us to frame the questions?

# Questions?

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<sup>51</sup>Rutland County Council  
**Waste Option update**

# Procurement Process and Timeline

52



# Public Consultation – Waste Collection Options

- The consultation ran for a 4 week period from 23<sup>rd</sup> November to 19<sup>th</sup> December 2021
- Total of 1,145 respondents
- Focus group sessions were also held with a Parish Council and Kendrew Barracks

# Key Consultation Questions

- Do you support the changes made by the Government?
- Do you agree with the councils aims of reducing carbon emissions by increasing the range of materials being recycled?
- Do you support the councils change to collect Paper and Card separately?
- What sort of container would you prefer for paper and card?
- How likely are you to participate in a weekly food waste service?
- Which type of residual waste restriction you prefer to see introduced?

# Consultation results

- Do you support the changes made by the Government? - 73% said yes
- Do you agree with the councils aims of reducing carbon emissions by increasing the range of materials being recycled? – 91% agree / strongly agree
- Do you support the councils change to collect Paper and Card separately? – 78% agree / strongly agree
- What sort of container would you prefer for paper and card? – 50% bin, 24% box, 15% bag
- How likely are you to participate in a weekly food waste service? – 67% likely / very likely
- Which type of residual waste restriction you prefer to see introduced? – 44% smaller black bin, 32% reduced collection frequency

# Consultation results

- The consultation shows strong support for the proposals to introduce a **weekly food waste** collection and a **two-stream recycling** (separate paper and card) collection (option 2b)
- Option 2b(ii), a **move to a smaller bin**, was the most popular option for reducing residual waste capacity
- Should the residual waste bin size be reduced, then these bins could be re-purposed for paper/card containers.
- **50% of respondents** to the consultation said they **would prefer a bin** as opposed to a bag or a box for paper and card recycling.



# Contract lotting - options

## Option 1: 6 Lots (current contract structure):

Lot 1: Integrated waste management contract

Lot 2: Treatment of residual waste (kerbside and HWRC)

Lot 3: Treatment of dry mixed recycling and separate P&C (kerbside and HWRC)  
(kerbside and HWRC)

Lot 4: Treatment of garden waste (kerbside and HWRC)

Lot 5: Treatment of food waste (kerbside)

Lot 6: Treatment of HWRC materials (inc. street sweepings)

Lot 7: Clinical waste collection and disposal

# Contract lotting - options

## Option 2: 3 Lots

Lot 1: Kerbside collections (inc. food waste and street cleansing)

Lot 2: Kerbside disposal (inc. food waste and street cleansing)

Lot 3: HWRC operations and disposal (combined)

# Contract lotting - options

## Option 4: 3 Lots

Lot 1: Kerbside collections;

Lot 2: HWRC operations;

Lot 3: All disposal (kerbside and HWRC)

# Contract lotting - options

## Option 6: 1 Lot

A fully integrated waste management contract

# Contract lotting – considerations

- Customer Relationship Management / Contract interfaces
- Contract management/Client Team Resources
- Costs
- Infrastructure
- Procurement and evaluation timescales
- Legal advice
- Project team resources (including external support) – continuity and evaluation process
- KPIs / Reporting
- Customer services
- Social value
- Change mechanisms
- Dispute resolution and termination

## Next Steps

- Soft market testing of letting options and procurement route (February to March 2022)
- Legal advice from Trowers Hamlin (Legal firm appointed to support procurement process)
- Develop draft specification (with input from Scrutiny)
- Council approval of lotting structure, procurement route and specification

# — Questions?

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<sup>65</sup>Rutland County Council  
**Leisure Review Update**

- On 16<sup>th</sup> November 2021 Cabinet approved the Leisure Review recommendations that had been considered and amended by Scrutiny on 7<sup>th</sup> October 2021. Progress against these recommendations is outlined below:

*Exploration of opportunities for county-wide leisure provision in partnership with the Rutland Local Sports Alliance, to determine whether any community owned / led options are viable*

**The Leisure Project Board meeting on 25<sup>th</sup> January approved\* terms of reference for a stakeholder group, including the Local Sports Alliance, to feed in to the project. An initial meeting is being scheduled**

*Development of plans for provision ... at a new site to an initial design stage, using the existing project budget, in order to build a viable case for a new swimming pool in Rutland, noting that progress beyond this point can only be undertaken when significant funding becomes available from external sources... and the new provision can be delivered at no revenue cost to the Council*

**Indicative plans for a new site-neutral wet and dry facility have been commissioned from a firm of professional architects and a cost consultancy firm**

- *Allocate £250,000 of Section 106 Developer Contributions received to date for the purpose of providing Recreation, Sport and Leisure infrastructure to a Swimming Provision Project, as match funding towards future provision and investment in facilities*

**The funding has been allocated in the Council's capital programme**

*Further repair to the existing Catmose Pool, which has reached its end of life, is not affordable, and the pool will not be re-opened*

**The public, College and SLL have been informed of this decision, and additional security has been implemented on the site to secure the old pool premises**

*Authorise the Strategic Director for Places, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Care, to enter negotiations with the Management of Catmose College to agree the future of the legacy leisure facilities at Catmose Campus, including the option to let a new nil-cost contract for the management of all or part of the dry side leisure facilities under the existing or renewed leases*

**An initial meeting with the College has been held, and discussions are underway to jointly agree the future of the site, including the pool**

- *Authorise the Strategic Director for Places, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Care to progress procurement of a dry-side leisure management contract if a nil-cost contract is achievable and agreeable to both the Council and Catmose College. Procurement implications will be reported to Cabinet before any award is made*

**A soft market testing exercise is underway, supported by Welland Procurement, with the results expected by the end of February. These results will inform any procurement decision**



- Authorise the Strategic Director for Places, in consultation in consultation with the Portfolio Holder for Health, Wellbeing and Adult Care, to enter negotiations with other local providers for the provision of public access swimming*

**Discussions have been held with Oakham School and Uppingham School around increasing access to their swimming facilities. Both sites have noted increased uptake of use following the closure of the Catmose Pool, but have not been able to increase public access hours due to existing commitments for school and hire use. Oakham School now has over 400 individuals using its swimming lessons, and 9 Primary Schools using their pool**

**GROWTH, INFRASTRUCTURE AND RESOURCES**

**SCRUTINY COMMITTEE**

10<sup>th</sup> February 2022

**MINERALS AND WASTE PLANNING ADVICE CONTRACT**

Report of the Strategic Director of Places

Strategic Aim:	Sustainable Growth	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr I Razzell Cabinet Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Roger Ranson, Planning and Housing Policy Manager	Tel: 01572 758238 rranson@rutland.gov.uk
Ward Councillors		

**DECISION RECOMMENDATIONS**

That the Scrutiny Committee:	
1.1	Notes the decision that has been made to award the contract to provide minerals and waste planning advice to the Council.
1.2	Comments on the arrangements set out in the report as to how the contract will be monitored to achieve the required performance and ensure value for money.

**1 PURPOSE OF THE REPORT**

- 1.1 This report has been produced following a request for the matter of the contract award for the provision of minerals and waste planning advice to be referred to the Scrutiny Committee for its consideration.
- 1.2 The Scrutiny Committee is requested to note that a decision has been made to award this contract in line with the Council's contract procedure rules and taking account of recommendations arising from an Internal Audit report on contract management.
- 1.3 In addition, the Scrutiny Committee is requested to consider comments on the

arrangements set out in the report as to how the contract will be monitored to achieve the required performance and ensure value for money.

## **2 BACKGROUND AND MAIN CONSIDERATIONS**

### **2.1 Background to contract**

2.1.1 Rutland County Council has an inter-authority agreement with North Northamptonshire to provide advice related to minerals and waste planning services. This covers both planning policy and development management and is supported by a Service Level Agreement (SLA). This agreement was originally with Northamptonshire County Council and transferred to North Northamptonshire Council following local government reorganisation.

2.1.2 The agreement commenced in 2014 and has been extended twice to coincide with delays in bringing forward the submitted and now withdrawn Local Plan.

2.1.3 The current agreement is due to cease at the end of January 2022.

### **2.2 Contract monitoring**

2.2.1 The agreement monitoring arrangements worked well up to March 2019. At that time, the lead officer in fulfilling the requirements of the SLA from Northamptonshire County Council left the authority to join the Planning Inspectorate. Since that time, whilst most of the requirements of the SLA have continued to be delivered effectively, the service provider has struggled to fulfil a regular programme of site monitoring visits.

2.2.2 Coupled with the loss of the lead officer from the service provider, this coincided with a period of extreme pressure for the preparation of the Rutland Local Plan. At that time, the post of Planning and Housing Policy Manager was being undertaken through a shared service arrangement with South Kesteven District Council on the basis of 2 days a week. This post within the County Council was responsible for acting as the primary contact for the SLA.

2.2.3 The Cabinet portfolio holder and Director were kept informed of this situation; it was determined that re-procurement of the service would commence when the emerging Local Plan was completed to adoption. Unfortunately, circumstances meant that there were delays in the statutory consultation and subsequent submission of the Local Plan following the decision made by full Council in February 2020 to approve these. The plan was eventually submitted in February 2021 and was then withdrawn following the decision made by full Council in September 2021.

2.2.4 One outcome from the decision to withdraw the Local Plan was to enable commencement of the work on the re-tendering of the minerals and waste planning advice, to align with the preparation and timetable for the new Local Plan.

### **2.3 Internal Audit Review**

2.3.1 In recognition of the contract management issues set out above, an Internal Audit review was undertaken in Autumn 2021. This was one of four contracts selected for review, with the purpose that the outcome of the review would assist in future procurement of the minerals and waste planning service.

- 2.3.2 Overall, the outcome of the testing for these four contracts was that the following overall assurance ratings have been given:
- Control environment: Good Assurance
  - Compliance with controls: Good Assurance
  - Organisational impact: Minor.
- 2.3.3 Recommendations were made by the auditor regarding the management of the minerals and waste planning service and the future re-procurement of this service; these are set out in Appendix 1. A medium priority was attached by the auditor in relation to their recommendations. These recommendations have been taken into account in the re-procurement of this service and will also be used to ensure future effective contract management.
- 2.4 Contract tendering process
- 2.4.1 Based on the expected contract value reflecting the current SLA, re-procurement has been undertaken under Rule 11 of the Contract Procedure Rules. Rule 11 requires that at least three written quotations should be obtained.
- 2.4.2 Six nearby minerals planning authorities were approached to quote against the service specification set in the request for quotations. Nearby authorities were approached due to the need to undertake the site monitoring visits required within the service specification; whereas the planning policy elements of the service specification are capable of being delivered at “arms-length”.
- 2.4.3 The procurement process was managed through the Welland Partnership to ensure transparency.
- 2.4.4 Only one tender response was received with respect for tender quotations.
- 2.5 Contract Evaluation and award
- 2.5.1 Following receipt of this tender, the Council issued a note requesting clarification on several issues.
- 2.5.2 Following the receipt of the clarifications, the tender response was evaluated by three senior officers against the award criteria and a combined moderated score created.
- 2.5.3 The scoring methodology against which the bid was assessed contained the following provision, so that if any part of the bid response scored low it could be excluded from further consideration: “*Scoring ‘0-1’ for any response to the method statements would give grounds for excluding the quotation from further consideration. If a quotation is so excluded, the bidders’ price shall also be excluded from the evaluation*”. In this case, no score of 0 or 1 was made against any of the award criteria.
- 2.5.4 Based on the evaluation of the tender, it was recommended for contract award. This has now been completed and arrangements in hand to commence on the new terms, underpinned by the Council’s standard Contract Terms and Conditions setting out relevant performance monitoring and reporting measures.
- 2.6 Conclusions

- 2.6.1 It is recognised by all involved that the minerals and waste contract has not been managed effectively in recent years, particularly with regard to site monitoring. This is confirmed by the internal audit review which set out recommendations about re-procurement of the service and future contract management.
- 2.6.2 These recommendations have been taken into account in re-procuring the service and will be used in future contract management. Further details are set out below.
- 2.7 Contract management arrangements: the Planning and Housing Policy Manager is now employed by the Council on a full-time basis enabling more time to be devoted to establishing robust management arrangements, with the support of colleagues. In particular, the service specification sets out the requirements for: a start-up meeting (one during SLA period); project progress meetings (quarterly – four per annum); project team updates (monthly – twelve per annum); and an annual review meeting (one per annum). These will be rigorously followed.
- 2.8 Performance indicators: in line with the internal audit recommendations, the performance of the contract will be monitored through specific SMART indicators related to the timely processing of all minerals planning applications in an effective way; the undertaking of an agreed programme of minerals site monitoring visits as determined at the inception of the contract and by annual review; the timely provision of information and advice on strategic minerals planning issues to meet the intended programme for the production of a new Local Plan for Rutland; and the expected response times to deal with emails and complaints.
- 2.9 Site monitoring: the contractor is required to commit to delivering a monitoring schedule to be agreed by annual review which would assess each site at the start of each programme year and determine the number of visits that site will receive over the forthcoming 12-month period. The number of site visits will be based upon factors such as:
- the size and nature of the site
  - the number and complexity of conditions attached to the consent
  - the stage of operations currently at an individual site
  - any ongoing or arising matter that needs to be immediately monitored or discussed, and
  - the history of compliance demonstrated by the site operator over the previous period.
- 2.10 Resilience of the service: annual and quarterly contract meetings will review the resilience of the service associated with staff turnover and absence cover, taking account of responses made to the request for further clarification. In addition, it is proposed to continue to engage with Peterborough regarding site environmental issues and also seek to train Development Management staff in matters related to site monitoring and the enforcement of conditions.
- 2.11 Contract termination: the contract sets out the circumstances whereby either party may terminate the contract. Clauses include the provision that the Council reserves the right to terminate the Contract at will (in whole or in part) at any time with or without notice (except that it will give as much notice as possible in the circumstances) if the service provider shall commit a material or persistent breach of this Contract.



### **3 CONSULTATION**

- 3.1 There is no requirement to consult the public on the re-procurement of the provision of minerals and waste planning advice.

### **4 ALTERNATIVE OPTIONS**

- 4.1 The contract award has been made following the Council's procedures and the evaluation of the response received in line with the contract award criteria. This decision has been made, and so it is not for Scrutiny to re-consider, the role of Scrutiny now is to consider how the contract will be monitored to achieve the required performance and ensure value for money.
- 4.2 For the benefit of members of the Scrutiny Committee, the following options for procuring this service were considered prior to the award of the contract.
- 4.3 One option would have been to approach the private sector to tender for this service. The contractual arrangements have previously been based on an inter-authority agreement. In practice, whilst there are private sector companies able to provide minerals advice, the vast majority of their clients are site operators and developers. There is a lack of expertise and relevant experience in the private sector regarding strategic minerals plan making, including Minerals Local Plan production and adoption. This option would therefore create a risk to the preparation of the Local Plan. In addition, whilst this option has not been market tested, it is expected to be more expensive and so not offer value for money. Any private sector organisation is also likely to need a local presence in order to deliver site monitoring on a cost neutral basis.
- 4.4 A second option, taking account of the above, would have been to split the service specification into two contracts; one to cover planning policy and the other to deal with all development management matters. This would create an additional burden on staff to manage two contracts and would also lose the synergies and continuity of having a single service provider.
- 4.5 A further alternative would have been for the Council to employ directly or through an agency the staff required to deliver the service specification. This is unlikely to be a cost-effective arrangement given the range of functions required to be undertaken. It would also not offer service resilience.
- 4.6 The final option considered was to re-tender the contract, requesting quotations from a wider base of local authorities. Given the national shortage of minerals planners and the response rate received to the procurement process, there is no guarantee that this was result in a greater number of responses able to deliver the specification. Also, seeking responses from authorities more geographically distant would create a risk of the service provider not delivering site monitoring on a cost neutral basis.

### **5 FINANCIAL IMPLICATIONS**

- 5.1 The cost of providing the minerals and waste service is likely to be greater than the current budget provision. Additional funding to support the preparation of evidence on strategic minerals and waste planning is included in the reserve established for the Local Plan, as approved by full Council on 1<sup>st</sup> September 2021.

5.2 Due to the timetable for the production of the Local Plan, the budget proposed for 2022/23 with respect to minerals and waste planning is likely to be sufficient given the scope to draw on the Local Plan reserve evidence base budget.

5.3 This will be kept under review as part of monitoring the Local Plan budget reserve.

## **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

6.1 The procurement process has been undertaken in line with the Council's Corporate Procurement Rules.

## **7 DATA PROTECTION IMPLICATIONS**

7.1 There are no Data Protection Impact Assessment implications arising from this report.

## **8 EQUALITY IMPACT ASSESSMENT**

8.1 An Equality Impact Assessment has not been completed as it is not deemed relevant to this report.

## **9 COMMUNITY SAFETY IMPLICATIONS**

9.1 None directly arising from this report.

## **10 HEALTH AND WELLBEING IMPLICATIONS**

10.1 None directly arising from this report.

## **11 ORGANISATIONAL IMPLICATIONS**

11.1 These are set out in the above report.

## **12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

12.1 The Scrutiny Committee is requested to comment on this report.

## **13 BACKGROUND PAPERS**

13.1 None

## **14 APPENDICES**

14.1 Appendix 1 – Recommendation of the Internal Audit Review on contract management and how this has been considered through re-procurement and future contract management

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**

## Appendix 1 – Recommendation of the Internal Audit Review on contract management and how this has been considered through re-procurement and future contract management

ISSUE	RECOMMENDATION	Priority	HOW THIS HAS BEEN CONSIDERED THROUGH RE-PROCUREMENT AND FUTURE CONTRACT MANAGEMENT
<p>The minerals and waste agreement does not include sufficient performance indicators or targets to support effective performance management. In addition, staff changes at the supplier authority have led to a deterioration of the service, lack of performance monitoring reports and cessation of contract monitoring meetings. The situation has been tolerated pending a decision on the Local Plan. Now that the plan has been withdrawn the service is due to be re-procured when the current contract expires in January 2022. This should be taken as an opportunity to address these issues and to consider how staff availability risks can be mitigated in future.</p>	<p>On re-procurement of the minerals and waste contract, ensure that the following matters are taken into account:</p> <p>a) that the procurement strategy and evaluation of potential service providers takes account of risks in relation to service resilience associated with staff turnover and absence cover.</p> <p>b) the contract should include an appropriate range of SMART performance indicators and targets to support effective performance monitoring for both planning policy and development management work. This could include completion of quarry monitoring visits at agreed intervals and specified turnaround times for planning policy and development management responsive work.</p> <p>c) that regular progress and performance review meetings and receipt of associated performance reports are reinstated with all meetings being fully minuted.</p> <p>d) that arrangements for periodic price review and approval are clearly set out in the contract or agreement; and</p> <p>e) that fully itemised invoices showing the amount of time spent on each activity are received on a quarterly basis to support effective financial control and budget monitoring.</p>	<p>Medium</p>	<p>a) The issue of staff competencies was set out in the service specification and formed part of the contract award criteria. Following the one response received to the request for quotations, clarifications were sought from the potential service provider as to how they would seek to fill a vacant post and also deliver the contract in the event of vacancies. The scoring of the response took the response to clarifications into account in making the assessment against the award criteria. It is intended to manage robustly the contract on a quarterly and annual basis, including issues related to staff turnover and absence cover.</p> <p>b) SMART performance indicators and targets are included in the contract to support effective performance monitoring for both planning policy and development management work. These include quarry monitoring visits as well as the timely delivery of planning policy and development management responsive work</p> <p>c) The service specification and contract require a start-up meeting (one during SLA period); project progress meetings (quarterly – four per annum); project team updates (monthly – twelve per annum); and an annual review meeting (one per annum). These will be rigorously followed. Meetings will be minuted.</p> <p>d) The quotation response is based on a fixed price for the planning policy element of the service specification with any variations arising to the service specification being charged at an hourly rate. With respect to development management the tender response proposes that costs will be charged at hourly rates on a time and material basis, i.e. for work undertaken only. The tender response notes the requirement in the service specification that site monitoring would be undertaken on a cost neutral basis for Rutland, i.e. that the proposed tenderer would be paid the fee that Rutland receives</p>

			<p>from the site operator for the monitoring of minerals and waste sites. Hourly rates will be revised to reflect inflationary salary changes.</p> <p>e) Taking account of responses to clarifications, it is proposed that fully itemised invoices showing the amount of time separately on planning policy and development management are received on a quarterly basis to support effective financial control and budget monitoring.</p>
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**Growth, Infrastructure and Resources  
Scrutiny Committee  
Work Plan 21/22**

<b>Meeting Date</b>	<b>Publication Date</b>	<b>Proposed Item</b>	<b>Why</b>
10 Jun 2021	10 Jun	Q4 Outturn Finance Management Report	
		Catmose Sports Contract Update	
		Waste Strategy Consultant Document	
		Annual Work Programme	
16 Sep 2021	08 Sep	Leisure Contract – Business Case (Cllr Walters)	
		Municipal Waste Management and Streetscene Strategy 2021-2035: Options Appraisal. (Penny Sharp)	
		Climate Action Network Group: progress to date [including the Biodiversity Task and Finish Group] (Cllr Stephenson) - verbal update	TBC

		Parking Strategy: Verbal Update (Cllr Stephenson)	
7 Oct 2021	29 Sept	Leisure Contract – Business Case (Cllr Walters)	
18 Nov 2021	10 Nov	Mid-Year Revenue Finance Update	SDR <i>report</i>
		Mid-Year Capital Programme Update (inc. S106 & CIL)	SDR <i>report</i>
		Overview of the S106 and CIL money	PS <i>short report</i>
		Biodiversity Task and Finish Group: final report and recommendations	Cllr Fox
27 Jan 2022	19 Jan	Scrutiny of the Budget	Statutory
10 Feb 2022	02 Feb	Oakham Town Centre: Update	
		For Oakham: Update Report - <i>verbal</i>	Cllr Fox
		The Interim Trajectory of Development & CIL Income <i>report/presentation</i>	Penny Sharp
		Grounds Maintenance: Update <i>report</i>	Penny Sharp

		Waste Contract: Update <i>report/presentation</i>	Penny Sharp & Cllr Stephenson
		Leisure Contract: Update <i>verbal</i>	Penny Sharp & Cllr Stephenson
		Minerals Authority Contract	Cllrs Begy, Brown, Waller & Oxley
		Carbon Management Controls	Cllr A Brown
07 Apr 2022	30 Mar	Finance Update	Standing Item
		Property Asset Review	Penny Sharp
		Revised Parking Policy: Update	Cllr Razzell

Possible Items:

- Biodiversity Network: national and regional assessment framework

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## **Motion from Councillor A Brown**

Rutland County Council:

- 1) Notes that new legislation may provide the Council with powers in relation to carbon management controls on the total amount of certain greenhouse gases that can be emitted by sectors covered by the legislation.
- 2) Resolves that if legislation does provide such powers, then the Council would seek:
  - a. that any subsidy directly or indirectly obtained for carbon management affecting the County is retained as carbon credit for the benefit of Rutland's economy and people and
  - b. that any third-party sale or lease of carbon credit outside Rutland cannot be activated unless Rutland is carbon neutral and where there is a 10% surplus of credit.
- 3) Agrees that the Council needs to become more proactive in looking after Rutland 's environment so that tomorrow's generations inherit a cleaner, healthier world.

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