

## **Deputations and Questions received for the Growth Infrastructure and Resources Committee Meeting on 18 February 2021.**

### **1. Deputation from Mr Neil Newton on behalf of Empingham Parish Council:**

We do not believe you have the capacity or the financial resources to accept and police HIF. Nor do we believe this scrutiny process is fit for purpose. Not for lack of effort on your part, just a simple function of size.

The Local Plan that was submitted some weeks ago had a central assumption of HIF. This meeting is thus largely a tick box exercise, and should have taken place before the Plan was submitted.

Two years ago the Government published detailed guidance on what constitutes a good scrutiny process, please as members of a scrutiny panel ask for a copy or google it. The process you go through tonight is about as far away from good practice as it is possible to be.

You have been bombarded with information and no doubt burnt the midnight oil reading it. Nevertheless none of you has the slightest experience or qualification to question in an informed way. The secrecy surrounding that information prevents you seeking your own counsel. The external advice you have, is provided by the same firm who drew up the agreement. The officers, Horsfield and Sharp, who recommend you to endorse the documentation, are the same two officers who have lead the negotiations for the Council. Pupils marking their own homework is the very antithesis of scrutiny.

The public can only comment on what is in the public domain, but private briefings and nods and winks that everything will be alright on the night, trust me, should not give you comfort.

In five minutes it is impossible to explore all our concerns, but I list a few.

There is no risk analysis as normally expected, anywhere in the public domain. You have a total budget of £42m and reserves after usage this year of £6m. SGB is a billion plus development and well beyond the experience of any of your officers.

The Allocations Agreement provides for joint and several liability between the Council and the DIO, the DIO can sue the Council if they cock up planning and incur costs as a result, for example. It is stated that the DIO will indemnify the Council against such risk. If that is so why is the liability there. The legal advisers infer that as all parties are public sector bodies, niceties will be observed. Not when the developers get involved they won't.

The timescales for spending the money are virtually impossible to meet, the infrastructure tables have been many and varied, but give you no comfort in this regard. Explore what happens if the money is not spent.

The concluding para of Weightmans note states that the AA gives the best terms reasonably available, and I quote “they are not without risk, but such risks are within the councils control or reasonable mitigations are in place.” Within the Councils control, remember this is a Council which this year forgot to claim £170,000 of developer contributions, had to recently rely on Larkfleet’s goodwill to collect developer contributions from another development, is presiding over a shambles in bringing Oakham North into the public realm. This is not a function of the pandemic or lack of effort. You simply do not have the capacity to control this development, especially HIF, when you demonstrably fail the day job. At the very least you need a plan as to how and when these resource issues might be addressed. Until then you cannot have the confidence to support the recommendations.

The usual threat is played in the last option of the report, not accepting the grant, ie. uncontrolled development within the County. You do the five year supply calculation annually, last August everything was fine. Do not accept innuendo ask for an update to support the contention. If the five year supply relies on SGB in the last year that is a breathtaking risk given that every developer who replied to Reg 19 consultation referred to the hopelessly optimistic timescales attached to the development.

Within our five minutes we have identified five major questions and will be supplying our councillors with more.

We urge you to accept that you need much more information to begin to believe that resources available to an authority the size of Rutland equip you to accept the risks you are being asked to shoulder.

## **2. Question received from Mr Tim Smith, Chairman of North Luffenham Parish Council**

“Have Members of the Growth, Infrastructure and Scrutiny Resource Committee, hand on heart, understood every risk with this project, and hand on heart seen the advice from Weightman Solicitors in Appendix 1, point 12, essentially a disclaimer clause, that the Grant Determination Agreement and Allocation Agreement “are not without some risk for the Council” and “Members should also weigh the risks against the benefits of the receipt of HIF funding to bring about a sustainable development at St George’s based on garden village principles in line with the local plan?”.