

## STRATEGIC OVERVIEW AND SCRUTINY COMMITTEE

20<sup>th</sup> April 2023

### MINERALS AUTHORITY CONTRACT: UPDATE REPORT

#### Report of the Strategic Director of Places

Strategic Aim:	A Special Place	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor Rosemary Powell Deputy Leader and Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
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Ward Councillors	N/A	

#### DECISION RECOMMENDATIONS

That the Committee:

1. Considers the report on the first year of the contract with North Northamptonshire Council for the provision of minerals and waste planning advice to the County Council.

## 1 PURPOSE OF THE REPORT

- 1.1 This report has been produced following a request for the matter of the contract monitoring for the provision of minerals and waste planning advice to be referred to the Scrutiny Committee for its consideration.

## 2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The contract for the provision of minerals and waste planning advice was awarded to North Northamptonshire Council (NNC) on 1<sup>st</sup> February 2022 for a period of 4 years.
- 2.2 The scope of the technical mineral and waste planning services (i.e. professional work, technical assessments and general advice) covers:
  1. Planning policy services to assist in the preparation of all mineral and waste related parts of a new Local Plan for the administrative area of Rutland; including

preparation of evidence base documents, policies and proposals; satisfying the Duty to co-operate; act as critical friend for associated sustainability and environmental assessments; and represent Rutland as technical expert when required.

2. Development management advice and technical assessment services, including regulatory monitoring.

2.3 This matter was considered at the meeting of the Growth, Infrastructure and Resources Committee held on 10<sup>th</sup> February 2022. A copy of the report to that meeting is attached as Appendix 1 to this report. Elected members were provided with a copy of the contract in March 2022.

### **3 CONTRACT MONITORING**

3.1 As outlined in the previous report to the Scrutiny Committee, management of the contract has been undertaken in line with the service specification which 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). The contract has been monitored in line with the performance indicators set out in the contract.

3.2 A key issue over the past year has been that since the contract re-commenced in February 2022 there have been staff changes within NNC Planning on both the planning policy and development management sides. This has particularly been the case in development management where the officers that worked on such matters for Rutland both left in the Summer, whilst the officer who then took over the Rutland development management work subsequently also left in December. A replacement officer has since been sourced for Rutland (and other NNC) work and started in January 2023. These staff changes have been unfortunate in that any such changes do interrupt the smooth running of service delivery and in this instance have come after a long period of staff stability at NNC.

3.3 Nevertheless, despite the staffing issues performance has been achieved with respect to almost all indicators, including those relating to determining planning permissions and planning policy. However, one indicator, on site monitoring, has not been met.

3.4 A programme for site monitoring was agreed at the commencement of the contract for 2022/23. The number of site visits has been 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.

3.5 Whilst officers were informed at the last quarterly review held in February this year that site monitoring was likely to be on track to be delivered, three site monitoring visits that were due to take place before the end of March have now been delayed until April. These April visits will be additional to the programme for 2023/24.

## **4 RESILIENCE OF THE SERVICE**

- 4.1 Annual and quarterly contract meetings have reviewed the resilience of the service with particular respect to staff turnover and absence cover and it has to be acknowledged that this has been a challenging year for NNC in relation to the former. With respect to this issue, it should be noted that there is a severe national and regional shortage of qualified minerals planning officers that has impacted on smooth handovers from departing officers.
- 4.2 In addition, the Planning service still engages with staff from Peterborough City Council in respect of environmental protection. Development Management staff from Rutland have also taken part in some of the NNC organised site monitoring visits with a view to building up expertise to potentially partly or fully undertake these themselves in the future .

## **5 CONSULTATION**

- 5.1 There is no requirement to consult the public on the monitoring of the minerals and waste planning contract.
- 5.2 However, Officers have regularly attended meetings of the Rutland Quarry Forum to respond to issues raised by that body.

## **6 ALTERNATIVE OPTIONS**

- 6.1 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.
- 6.2 Based on the above, and whilst disappointing, the underperformance on site monitoring does not constitute grounds for contract termination and as noted in paragraph 3.5 arrangements have been made to address this in the first month of 2023/24.
- 6.3 The Council will continue to monitor the contract rigorously.

## **7 FINANCIAL IMPLICATIONS**

- 7.1 The cost of providing the minerals and waste service is covered within existing budgets. Additional funding to support the preparation of evidence on strategic minerals and waste planning was included in the reserve established for the Local Plan, as approved by full Council on 1st September 2021.
- 7.2 Due to the timetable for the production of the Local Plan, the budget proposed for 2023/24 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.
- 7.3 This will be kept under review as part of monitoring the Local Plan budget reserve.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

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

## **9 DATA PROTECTION IMPLICATIONS**

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

## **10 EQUALITY IMPACT ASSESSMENT**

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

## **11 COMMUNITY SAFETY IMPLICATIONS**

11.1 None directly arising from this report.

## **12 HEALTH AND WELLBEING IMPLICATIONS**

12.1 None directly arising from this report.

## **13 ORGANISATIONAL IMPLICATIONS**

13.1 These are set out in the above report.

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

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

## **15 BACKGROUND PAPERS**

15.1 None.

## **16 APPENDICES**

16.1 Appendix 1 – Report on the Minerals and Waste Planning service to the meeting of the Growth, Infrastructure and Resources Committee held on 10<sup>th</sup> February 2022.

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