



## **RECORD OF DELEGATED DECISION (OFFICER)**

### **CONTRACT AWARD**

<b>1. Decision Reference No.</b>	<b>CEX129</b>
<b>2. Name/Title of Officer</b> (who is taking the Decision)	<b>Jim Worley</b> <b>Assistant Director for Planning and Delivery</b>
<b>3. Email address of Officer</b>	<b>jworley@melton.gov.uk</b>
<b>4. Title / Subject Matter:</b>	<b>Award of Contract – Partnering Agreement – Strategic Growth Options &amp; Constraints Mapping</b>
<b>5. Type of Decision:</b> (The decision will be published in its entirety unless it contains exempt information as described in Section 1.4 of the <a href="#">Council's Access to Information Rules</a> )	<b>Public</b>
<b>6. Key Decision?</b>	<b>No</b>
<b>7. Decision Taken:</b>  1. To enter into a Partnering agreement with the 6 other District Councils in Leicestershire, Leicestershire County Council, Leicester City Council and the LLEP to commission consultants to undertake Strategic growth options analysis and site opportunity and constraints assessment of potential strategic development sites for the wider Housing Market Area (HMA). The consultants will be commissioned by Harborough DC on behalf of the Partners.  2. To commit to proportionate share of the cost of the above work from provision within existing budgets provided for this purpose.	
<b>8. Reasons for Decision:</b>  This work follows the commitment made by the Council when signing the LLR 'Statement of Common Ground' (Decision record ref PH035 27.5.2021) in order to provide a collaborative approach to the accommodation of unmet housing need within the HMA to 2036.  The work will assess the availability and deliverability of potential larger scale and strategic scale development sites for this purpose, for subsequent consideration within formal planning mechanisms such as the Strategic Growth Plan and respective District/City level Local Plans  In January 2020 the Leicester City's draft Local Plan consultation identified a potential unmet need of about 7,750 homes and 23 hectares of employment land. The intention was to agree a Statement of Common Ground (SoCG) at Members Advisory Group (MAG) in February 2021 to support the	

Charnwood Local Plan and redistribute Leicester City's unmet need to 2036; however, on December 2020 the government published a series of updates (see background papers) that substantially altered the strategic picture. The changes for the L&L local authorities means that, as consequence of a 'new standard method', the housing need in the Districts/Boroughs remains the same as it has been for the last couple of years, but the need in Leicester has increased by about 10,000 homes.

Although the Government expect this increase to be met by the City of Leicester, they also said that the standard method is a starting point and not a target. The number of homes planned to be built can only be decided after the consideration of constraints and the land that is actually available for development, and the unchanged National Planning Policy Framework (NPPF) addresses the need to accommodate unmet need from neighbouring authorities through the Duty to Cooperate. The updated National Planning Practice Guidance (NPPG) reinforces this aspect by saying that the increase in housing numbers is expected to be met by the cities, rather than the surrounding areas, unless it would conflict with national policy and legal obligations.

The local authorities consider that the uplift from the Government was so significant that they need to gather the necessary evidence to agree the redistribution of Leicester City's unmet need. It is expected that it will now take around 9-12 months to complete a SoCG to redistribute this unmet need based on this evidence.

The Partnership Agreement to commit MBC to the commissioning of the consultancy work has been produced by Harborough District Council and accepted by MBC Legal following minor amendment.

## **9. Authority / Legal Power:**

Authority comes from chapter 2 part 4 of the Constitution, para 12. 1:

*Chief Officers are delegated authority to take any decision in relation to the functions within their area of service responsibility as detailed in this Constitution. This includes, but is not limited to, the ability to exercise within approved budgets, all matters of day to day administration and operational management of the services and functions for which they are responsible, take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of the Council, sign licences and notices and place orders for goods and services relevant to their service areas*

and specifically Part (d) of the table at 12.2

Growth & Regeneration

Corporate Property and Assets

### **Strategic Planning and Delivery:**

- Development Control

- Building Control

### **- Local Plan and Planning Policy**

- Private Sector Housing and

DFG's

Emergency preparedness and response; Business Continuity

Climate Change

Regulatory Services

**10. Background Papers attached?**

(Background papers are to be attached (unless exempt))

- **Decision ref PH035 27.5.2021**
- **Partnership Agreement**

**11. Alternative options available / rejected:**

1. Not undertaking this work and moving towards an agreed Statement of Common Ground was not considered feasible or acceptable due to adverse consequence of failing the statutory requirements regarding 'Duty to Co-Operate. Local planning authorities are bound by the statutory duty to cooperate. The duty to cooperate (introduced by the Localism Act 2011 and set out in section 33A of the Planning and Compulsory Purchase Act 2004) places a legal duty on local planning authorities and county councils in England, and prescribes public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation (including local plan review and update) in the context of strategic cross boundary matters.

Paragraph 27 of the National Planning Policy Framework indicates that the duty to cooperate should be demonstrated through joint preparation of statements of common ground.

**12. Implications:**

<b>Legal</b>	<p>The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1). The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK and EU legislation every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations</p> <p>[Legal Approved 4 June 2021]</p>
<b>Finance</b>	<p>Provision has been made with the local plans budget for 2021/22 to fund costs associated with entering into this agreement.</p> <p>[Finance Approval 04 June 2021]</p>
<b>HR</b>	NOT APPLICABLE
<b>Procurement</b>	NOT APPLICABLE
<b>Other</b>	<p>The following checks have been carried out in relation to the contract provider:</p> <ul style="list-style-type: none"> <li>- Financial credit checks</li> <li>- Insurance certificates</li> </ul>

	- Health and safety policies
<b>13. Signature of Decision Maker with authority to sign (See Section 9):</b> Please do no 'pp' for a Senior Officer	<b>REDACTED</b> Assistant Director for Planning and Delivery
<b>14. Consultation with:</b> (Where applicable - attach email as confirmation)	<b>NOT APPLICABLE</b> Name: ..... Leader / Chair / Vice Chair/Ward Member [*delete as appropriate]
<b>15. Date:</b>	4 <sup>th</sup> June 2021
<b>16. Officer Responsible for Procurement</b>	I confirm compliance with the Contract Procedure Rules Name: NOT APPLICABLE

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